

- (4) The easement and right-of-way created hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantor's Property of any building, structure, tree, or other object that extends into the Airspace above Grantor's Property. The easement and right-of-way created hereby grants to the Grantee a right of ingress to, egress from and passage over Grantor's Property to remove the offending structure or object, and to cut the offending growth, all at the expense of the Grantor, in the event the aforesaid covenant is breached, subject to Grantee's obligation to first provide written notice of the alleged breach of this easement to Grantor. If Grantor fails to correct the alleged breach within fifteen (15) days after receipt of Grantee's notice or such longer period of time as may be reasonably required to correct the alleged breach, Grantee may obtain a court order from the District Court for the 7th Judicial District of Colorado authorizing Grantee to remove or cut the offending structure, object or growth. Grantee shall have a continuing obligation to restore to its previous condition any portion of the Grantor's Property and any improvements located thereon that may be damaged in the course of such entry and exercise of any rights of Grantee under this Easement, other than any improvements or other objects that encroached upon the Airspace.
- (5) Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including but not limited to the right to cause in all Airspace above the surface of Grantor's Property such noise, vibrations, fume, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communications and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft within the Airspace over Grantor's Property or at an elevation above the ground equal to the elevation of the Airspace in the vicinity of Grantor's Property or in landing at or taking off from or operating at or on the Airport is hereby granted.
- (6) Except as provided in Paragraph (7) below, Grantor does hereby fully waive, remise, and release any right or cause of action which it may now have or which it may have in the future against Grantee, its successor and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on the Airport.
- (7) Notwithstanding any other provision hereof to the contrary, this grant of easement shall not operate to deprive the Grantor, its successors or assigns, of any rights or causes of action that it may otherwise have from time to time against any individual or entity for negligent or unlawful operation of aircraft, except that nothing in this easement is or shall be construed to be a waiver by Grantee, its officials, employees, or agents, of governmental immunity except to the extent waived pursuant to the Colorado Governmental Immunity Act, Colorado Revised Statutes Sections 24-10-101, et seq.



EXHIBIT A
TO
EXPRESS GRANT OF AN AVIGATION EASEMENT AND RIGHT OF WAY

DESCRIPTION OF GRANTOR'S PROPERTY

WSS

EXHIBIT "A"

Tomichi Creek Corridor Addition
Avigation Easement Description

Description No. 1:

A tract of land situated in Section 31, Township 50 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

BEGINNING at the southeast corner of Tract B, Wilson Subdivision, according to the official plat thereof filed April 19, 1995, bearing Reception No. 459307 in the records of Gunnison County, thence N00°24'42"E on the east line of said Tract B, a distance of 28.28 feet; thence S89°52'30"E a distance of 66.31 feet; thence N73°35'30"E a distance of 3569.72 feet to a point on the east line of the west half of the southeast quarter of said Section 31; thence S00°06'24"W on said east line, a distance of 1082.58 feet to the north right-of-way line of U.S. Highway 50; thence S89°58'48"W on said north right-of-way, a distance of 1329.01 feet; thence S89°52'37"W on said north right-of-way, a distance of 2458.40 feet to the west line of the southwest quarter of said Section 31; thence N00°19'28"E on said west line, a distance of 50.43 feet to the south line of said Tract B, Wilson Subdivision; thence N89°44'13"E on said south line, a distance of 298.29 feet to the Point of Beginning, containing 46.050 acres of land, more or less.

Description No. 2:

A tract of land situated in Section 1, Township 49 North, Range 1 West, and Section 6, Township 49 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

BEGINNING at the northeasterly most corner of the Gunnison County Airport Property Conveyed to Gunnison County by court order, recorded May 29, 2002 at reception number 520716 in the records of Gunnison County, thence S73°35'30"W on the north line of said Airport Property, a distance of 2887.24 feet to the west line of Government Lot 1 of said Section 1; thence N00°08'15"W on said west line, a distance of 637.48 feet to the southerly line of Pioneer Society Addition to the City of Gunnison; thence N59°40'00"E a distance of 992.74 feet to the south right-of-way of U.S. Highway 50; thence N89°45'50"E on said south right-of-way, a distance of 31.74 feet; thence N00°14'10"W on said south right-of-way, a distance of 10.00 feet; thence N89°45'50"E on said south right-of-way, a distance of 2881.43 feet; thence N89°47'13"E on said south right-of-way, a distance of 2418.90 feet to a point on a curve; thence southeasterly on said curve to the right having a central angle of 08°50'15", a radius of 5280.00 feet for an arc distance of 814.42 feet, whose chord bears S13°20'23"E; thence S86°55'49"W a distance of 645.51 feet; thence S86°09'44"W a distance of 1447.72 feet; thence S07°27'36"W a distance of 470.05 feet; thence S61°10'21"W a distance of 472.51 feet; thence N01°10'36"W a distance of 131.11 feet; thence S89°47'13"W a distance of 704.62 feet to the east line of said Gunnison County Airport Boundary; thence N16°24'30"W on said east line, a distance of 1182.47 feet to the Point of Beginning, containing 128.270 acres of land, more or less.

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EXHIBIT B
TO
EXPRESS GRANT OF AN AVIGATION EASEMENT AND RIGHT OF WAY

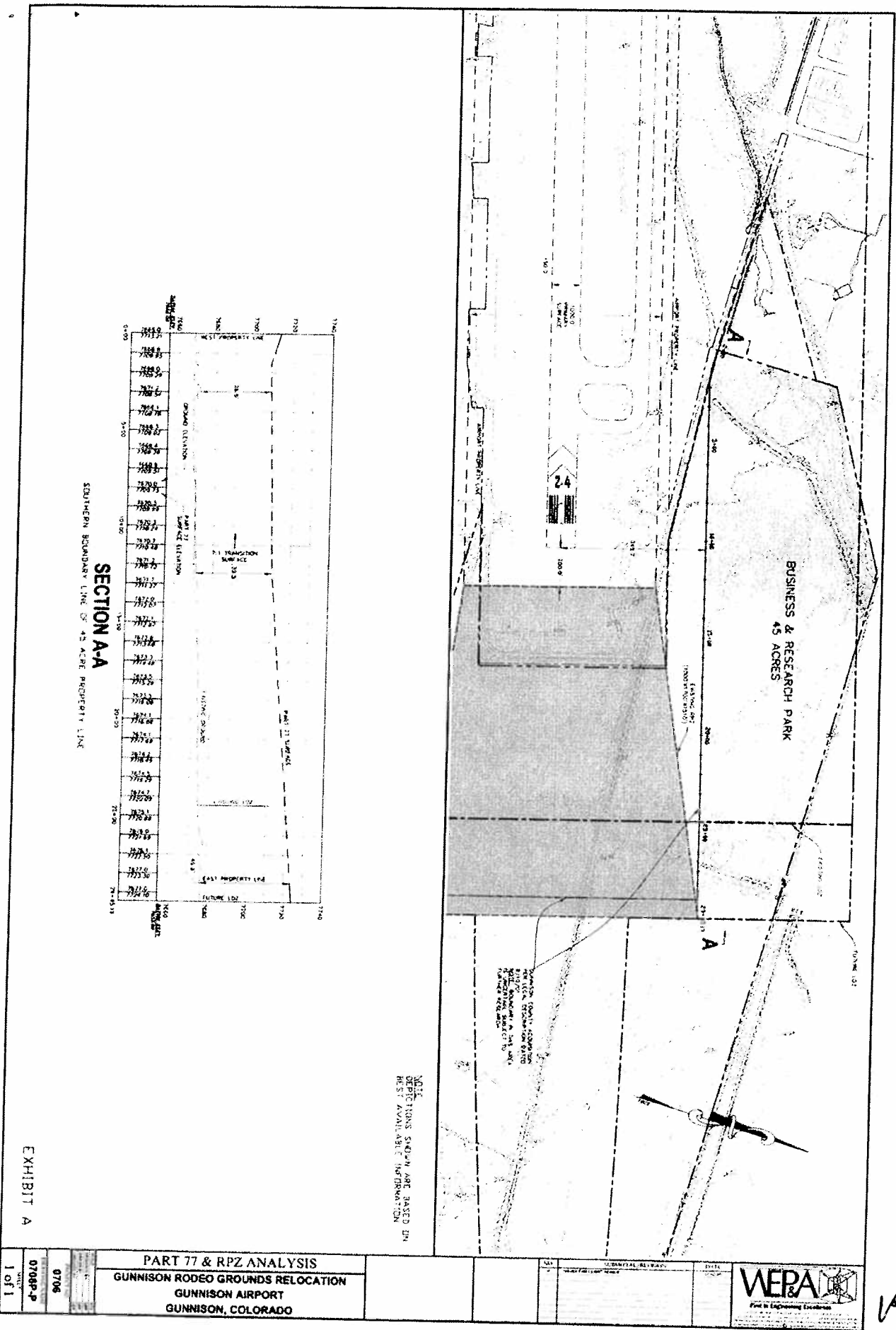
MAP OF GRANTOR'S PROPERTY

A handwritten signature in black ink, appearing to be initials or a name, located in the bottom right corner of the page.

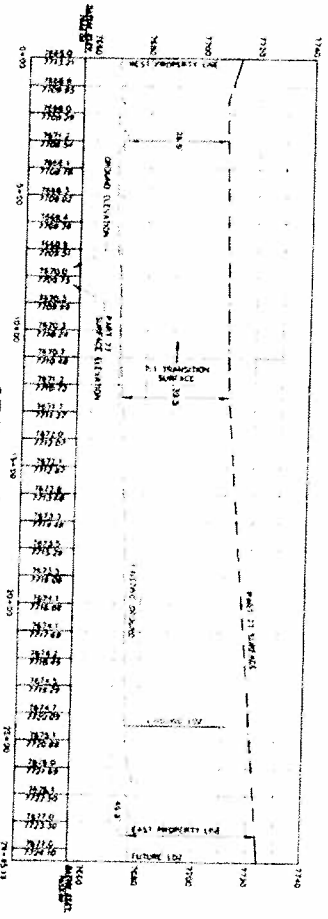
EXHIBIT C
TO
EXPRESS GRANT OF AN AVIGATION EASEMENT AND RIGHT OF WAY

FAA MAP





SECTION A-A
 SOUTHERN BOUNDARY LINE OF 45 ACRES PROPERTY LINE



NOTE:
 DIMENSIONS SHOWN ARE BASED ON
 BEST AVAILABLE INFORMATION

EXHIBIT A

0706	0708P.P	1 OF 1	PART 77 & RPZ ANALYSIS GUNNISON RODEO GROUNDS RELOCATION GUNNISON AIRPORT GUNNISON, COLORADO		
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