

City of Airway Heights
AVIGATION EASEMENT

WHEREAS, VERIZON AND ST. JOHN HARDWARE, hereinafter called the "Grantor(s)", are the owners in fee of that certain parcel of land situated at 904. S. HAYFORD RD, in the City of Airway Heights, State of Washington, more particularly described as follows:

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ACCORDING TO US GOVERNMENT SUBDIVISION PROCEDURES, OF SECTION 24, TOWNSHIP 25 NORTH, RANGE 41 EAST OF THE WILLAMETTE MERIDIAN, RECORDS OF SPOKANE COUNTY, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF LOT A, AS SAID LOT A IS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD IN VOLUME 6 OF SHORT PLATS, PAGE 83, RECORDS OF SPOKANE COUNTY, WASHINGTON; THENCE ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT A SOUTH 89°32'16" WEST A DISTANCE OF 60.58 FEET, THENCE NORTH 00°27'44" WEST A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND, THENCE FROM SAID POINT OF BEGINNING SOUTH 89°48'40" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 00°11'20" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 89°48'40" EAST A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°11'20" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,600 SQUARE FEET.

NOW, THEREFORE, the Grantor(s), for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant and convey unto Fairchild Air Force Base, City of Airway Heights, and to the United States of America as tenants in common, hereinafter called the "Grantees", its successors and assigns, for the use and benefit of the public, an easement and right-of-way, appurtenant to Fairchild Air Force Base for the unobstructed passage of all Base aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the airspace above the property described herein in the vicinity of said Base) and in consideration of such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of military aircraft in the process of landing at or taking off from or operating at or on Fairchild Air Force Base, and the Grantor(s), for themselves, their successors and assigns, do hereby fully waive, remise and release any right or cause of action which they now may have, or which they may have in the future, against the Grantees, their successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the current or future operation of military aircraft in the process of landing at or taking off from, or operating at or on said Fairchild Air Force Base.

It is further understood and acknowledged that it is reasonable to expect that future military missions and Base improvements will cause aircraft impacts to change, potentially increasing flight frequencies, flight noise and vibration, alteration of flight paths and changing of aircraft types.

THE GRANTOR(S) further covenants and agrees to not create or cause interference with or utilize the above described land in any way contrary to the City of Airway Heights Fairchild Air Force Base Overlay Zone Regulations (AHMC 17.16, JLUS Protections for Fairchild Air Force Base), to include height limits and general use restrictions and agree to not erect, construct or alter any building, antenna, structure which will penetrate designated military airspaces overlaying property, said airspaces specifically described in the United States Department of Defense (DoD) Unified Facilities Criteria, DoD publication UFC 3-260-01, as amended.

