

## City of Ukiah

City of Ukiah  
300 Seminary Ave  
Ukiah, Ca 95482

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## AVIGATION EASEMENT, Ukiah Municipal Airport

[ ]	computed on full value of property conveyed, or
[ ]	computed on full value less value of liens or encumbrances remaining at time of sale,
[ ]	Unincorporated Area,

City of Ukiah

DATED: \_\_\_\_\_

GRANTEE, City Manager

## EXHIBIT "A"

Legal Description  
**AVIGATION EASEMENT**  
Ukiah Municipal Airport

All that certain real property described herein below is situated in the unincorporated area of the County of Mendocino, State of California and is described as follows:

Beginning at a point on the Westerly line of that certain strip of land conveyed by L. J. Younce and Gladys Younce to the State of California, by Deed recorded July 14, 1937, in Book 120 of Official Records, page 300, Mendocino County Records, distant thereon South 19° 59' 30" East, 916.65 feet from a concrete monument which bears South 70° 00' 30" West, 50.00 feet from Engineer's Station B. C. 620+08.30 of centerline of said strip, which said station bears South 35° 45' 16" East, 4191.72 feet from a car axle 1-1/8 inches in diameter marked "D. 6 L.S. 2207" as shown on a map of survey filed in Map Case 1, Drawer 8, Page 20 of Mendocino County Records; thence South 88° 01' 30" West, 258.00 feet; thence North 19° 15' 30" West, 210.33 feet; thence North 83° 55' 30" East, 250.00 feet to a point on said Westerly line of said strip so conveyed to the State of California; thence South 19° 59' 30" East, 230.00 feet along said Westerly line to the point of beginning.

**Mendocino APN: 148-040-10, AKA 2840 South State Street, Ukiah**

The easement applies to the Airspace above an imaginary plane over said real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Code of Federal Regulations and is described as follows:

**Beginning at the centerline of the southerly most point of runway 33 at the Ukiah Municipal Airport from which a 20:1 sloped plane projects above and southerly from the established airport elevation of 616.8 feet Above Mean Sea Level (AMSL) as determined by Ukiah Municipal Airport Land Use Compatibility Plan, the approximate dimensions of said plane are shown on Figure 1 attached hereto and incorporated herein by reference.**

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air 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 hereafter known or used, for navigation of or flight in air; and
- (3) 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 such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked and 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; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

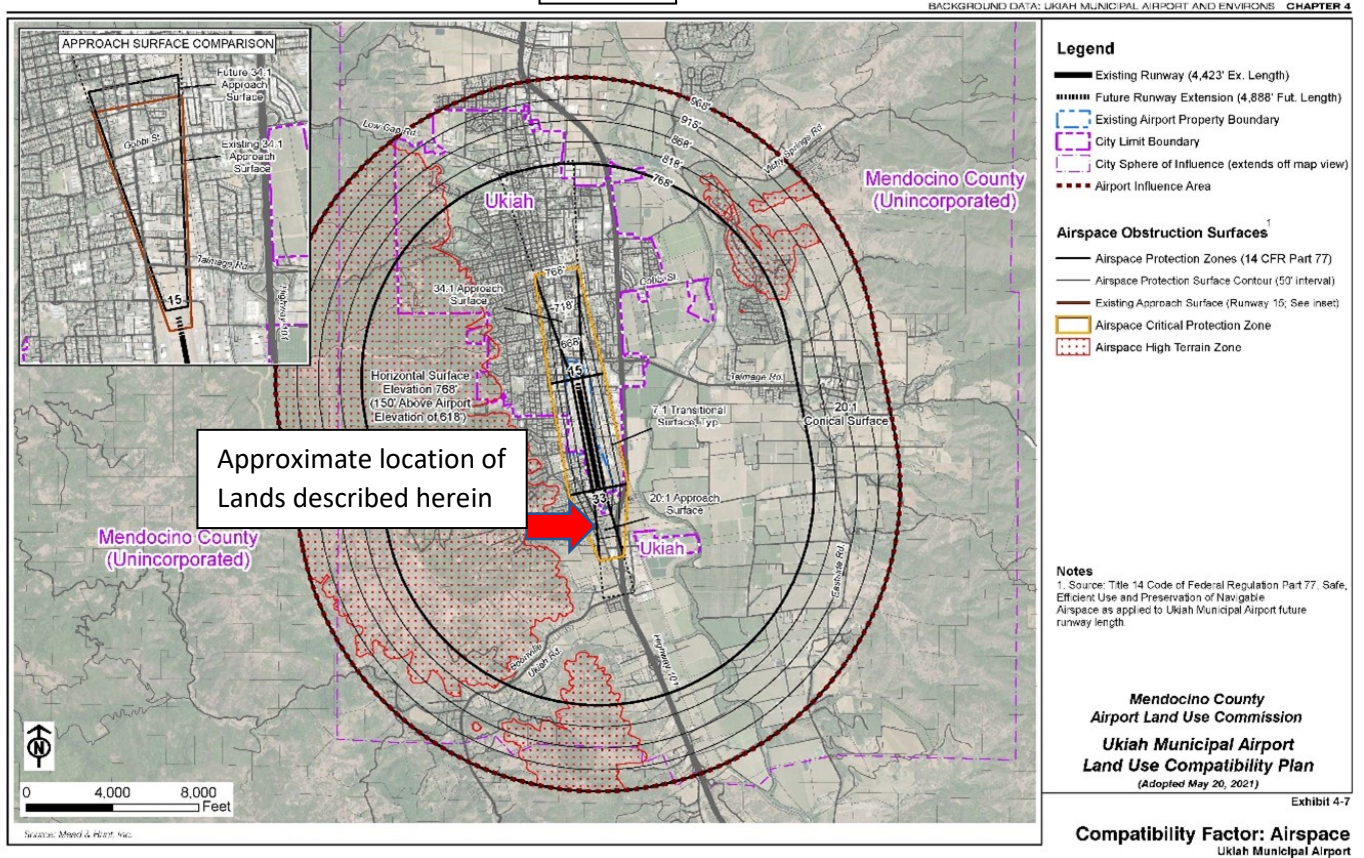
For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the Grantee, for the direct benefit of the real property constituting the **Ukiah Municipal Airport** hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the herein above described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the **Ukiah Municipal Airport** in the City of Ukiah, County of Mendocino, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the **Ukiah Municipal Airport** or in otherwise flying through said Air- space.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly herein above described is the servient tenement and said **Ukiah Municipal Airport** is the dominant tenement.

Figure 1




**Chad C. Mosier, PLS 7451**

File No. 9528.01

18 April 2024