

AVIGATION EASEMENT

This easement is entered into this 7 day of November, 2017, between Emani Seefeldt, a single man, as to an undivided 50% interest, David Hillmer and Diana Hillmer, husband and wife, as to an undivided 25% interest, and Donald A. Sundstrom, an unmarried man, as to an undivided 25% interest, together as tenants in common, hereinafter referred to as "Grantor," and the County of Mendocino, a political subdivision in the State of California, hereinafter referred to as "Grantee".

The Grantor, for good and valuable consideration, the receipt and sufficiency of which is 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. The real property which is subject to this easement (the "real property") is commonly known as 38701 Old Stage Road, Gualala, California, Mendocino County APN 145-022-01, and is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

The easement applies to the airspace (the "Airspace") above an imaginary plane over the real property as such plane is defined by Part 77 of the Federal Aviation Regulations, the approximate location and dimensions of which are described and depicted in Exhibits B-1, B-2, B-3 and B-4 attached hereto and incorporated herein by reference, the elevation of said plane being based upon the Ocean Ridge Airport official runway end elevation of 940 feet above mean sea level, as determined by the Mendocino County Airport Comprehensive Land Use Plan.

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 or 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, navigation of or flight in air; and
- 3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structure 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 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; 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 to the owners of the real property.

For and behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of Mendocino for the direct benefit of the real property constituting the Ocean Ridge 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 hereinabove described 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 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 Ocean Ridge Airport, in the County of Mendocino, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of 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 Ocean Ridge Airport, or in otherwise flying through said Airspace.

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.

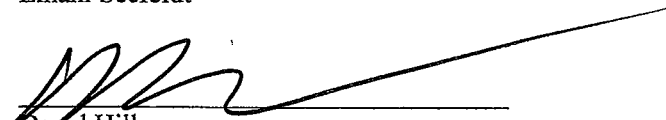
These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said Ocean Ridge Airport is the dominant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

GRANTOR


Dated: November 7, 2017


Emani Seefeldt

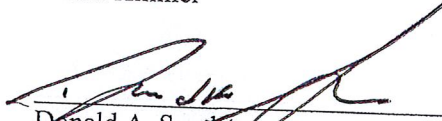
Dated: November 7, 2017


David Hillmer

Dated: November 7, 2017


Diana Hillmer

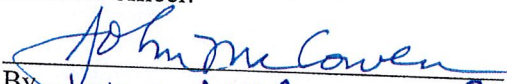
Dated: November 7, 2017


Donald A. Sundstrom

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant dated November 7, 2017, from Grantor to the County of Mendocino is hereby accepted by order of the Mendocino County Board of Supervisors on 12/19/17, and Grantee consents to recordation thereof by his duly authorized officer.

12/22/17
Date


By John McCowen, Chair
Board of Supervisors

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

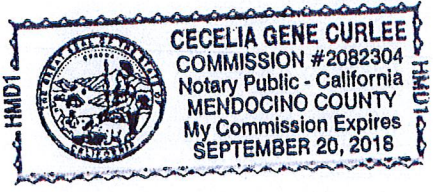
STATE OF CALIFORNIA)
COUNTY OF MENDOCINO) ss.

Cecelia Gene Curlee

On November 7, 2017, before me, _____, Notary Public, personally appeared Donald A. Sundstrom, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Cecelia Gene Curlee

Notary Public
State of California

EXHIBIT "A"

PARCEL ONE:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-TWO (22); TOWNSHIP ELEVEN (11) NORTH, RANGE FIFTEEN (15) WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE RUNNING NORTH ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER TO THE NORTH LINE OF SAID SECTION TWENTY-TWO (22); THENCE WEST ALONG THE NORTH LINE OF SAID SECTION TWENTY-TWO (22) TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-TWO (22); THENCE CONTINUING WEST ALONG THE SECTION LINE 433 FEET, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE CENTER OF THE COUNTY ROAD TO THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION TWENTY-TWO (22); THEN EAST ALONG THE QUARTER SECTION LINE 844 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO E. W. BREIDENBACH RECORDED NOVEMBER 15, 1948 IN BOOK 236, OFFICIAL RECORDS, PAGE 489, MENDOCINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP ELEVEN (11) NORTH, RANGE FIFTEEN (15) WEST AND RUNNING THENCE NORTH ALONG THE LEGAL SUBDIVISION LINE 660 FEET; THENCE IN A WESTERLY DIRECTION TO A POINT WHERE THE QUARTER SECTION LINE RUNNING NORTH AND SOUTH THROUGH THE CENTER OF SAID SECTION TWENTY-TWO (22) INTERSECTS THE CENTER LINE OF THE COUNTY ROAD; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE CENTER LINE OF THE COUNTY ROAD TO THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP ELEVEN (11) NORTH, RANGE FIFTEEN (15) WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST ALONG THE LEGAL SUBDIVISION LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO EDWARD J. PORTEOUS RECORDED JUNE 1, 1960 IN BOOK 541, OFFICIAL RECORDS, PAGE 338, MENDOCINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 1 OF GUALALA RIDGE SUBDIVISION AS RECORDED IN DRAWER 1, MAP CASE 2, PAGE 19, MENDOCINO COUNTY RECORDS, WHICH LIES SOUTH 86° 02' EAST AND 275.375 FEET FROM THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 86° 02' EAST, ALONG SAID LOT LINE 275.375 FEET; THENCE NORTH 40° 45' WEST, 102.90 FEET; THENCE SOUTH 74° 09' 20" WEST, 215.74 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

THAT PORTION DESCRIBED IN THE DEED TO ALFRED L. BROSIQ, ET UX RECORDED MAY 4, 1960 IN BOOK 539, OFFICIAL RECORDS, PAGE 332, MENDOCINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 1, OF GUALALA RIDGE SUBDIVISION AS RECORDED IN DRAWER 1, MAP CASE 2, PAGE 19, MENDOCINO COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 40° 45' EAST, 102.90 FEET; THENCE NORTH 74° 09' 20" EAST, 215.74 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 86° 02' WEST, 275.375 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B-1"

Lying within the County of Mendocino, State of California and being an Avigation Easement over the lands of Emani Seefeldt, David Hillmer, Diana Hillmer and Donald Sundstom as described by the Deed recorded under Instrument Number 2014-06643, said easement being more particularly described as follows:

Approach Surface Plane

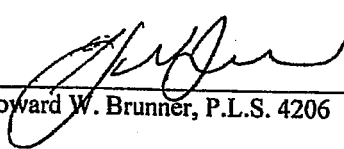
In the air space above the westerly portion of Grantors' property above an imaginary plane rising and extending in a general southeasterly direction over Grantors' property, said imaginary plane running from approximately 1031 feet Mean Sea level above the northerly boundary line of said Grantor at the rate of one foot vertically for each 20 feet horizontally to approximately 1071 feet Mean Sea level above the southerly boundary line of said Grantor, to an infinite height above said imaginary plane.

Transitional Surface Plane

In the air space above the easterly portion of Grantors' property above an imaginary plane rising and extending in a general southeasterly direction over Grantors' property, said imaginary plane running from approximately 1200 feet Mean Sea level above the northerly boundary line of said Grantor at the rate of 1 foot vertically for each 7 feet horizontally to approximately 1314 feet Mean Sea level above the southerly boundary line of said Grantor, to an infinite height above said imaginary plane.

Refer to attached Airspace Plan, Ocean Ridge Airport, Figure 4P and Compatibility Map, Ocean Ridge Airport, Figure 3D for Additional information regarding the surface and elevation data contained herein.

Prepared by Cinquini & Passarino, Inc.


Howard W. Brunner, P.L.S. 4206



Date

10.11.17

Individual Airport Policies and Compatibility Maps / Chapter 3

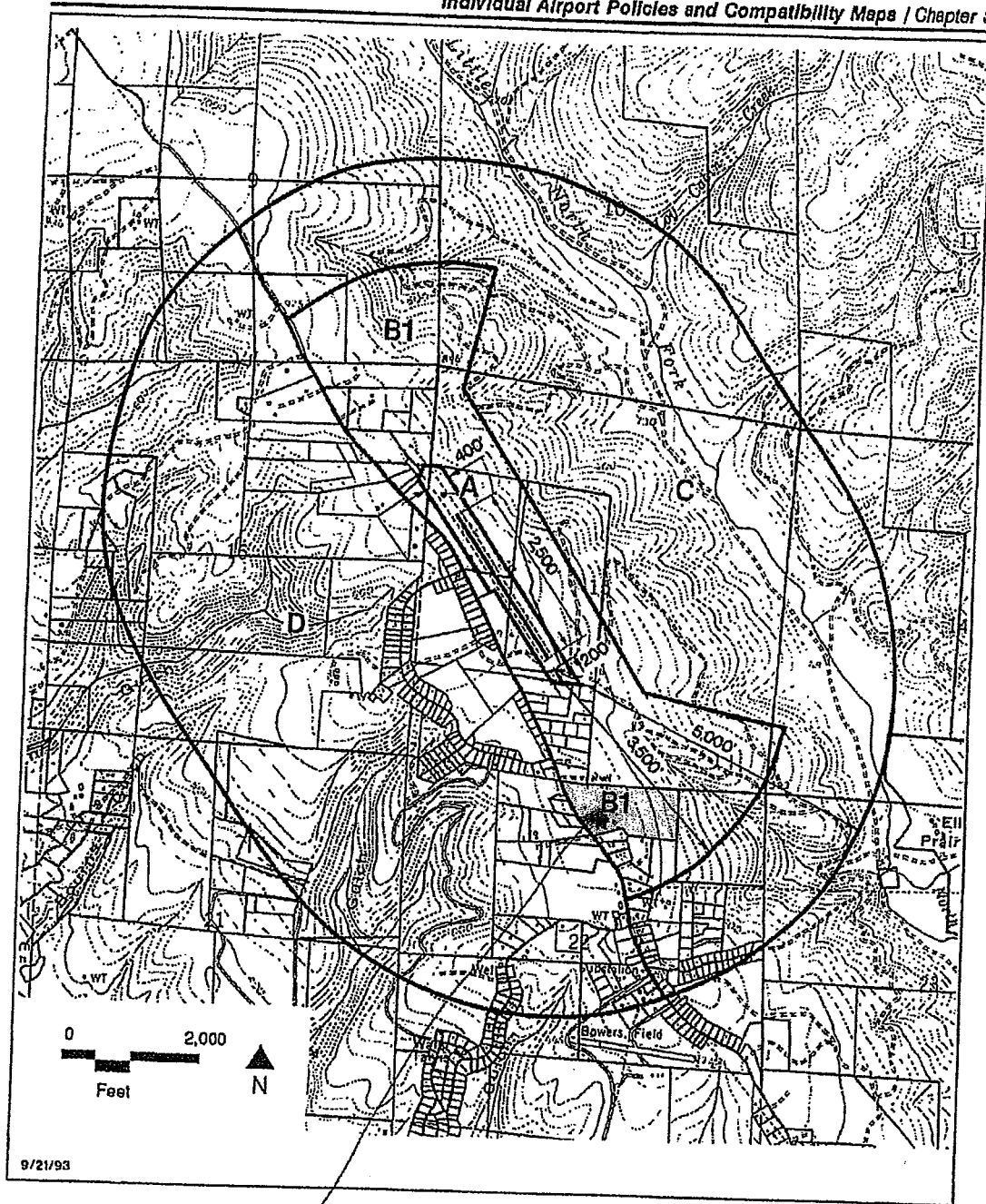


Figure 3D

Compatibility Map
Ocean Ridge Airport

38701 Old Stage Rd.

EXHIBIT "B-3"

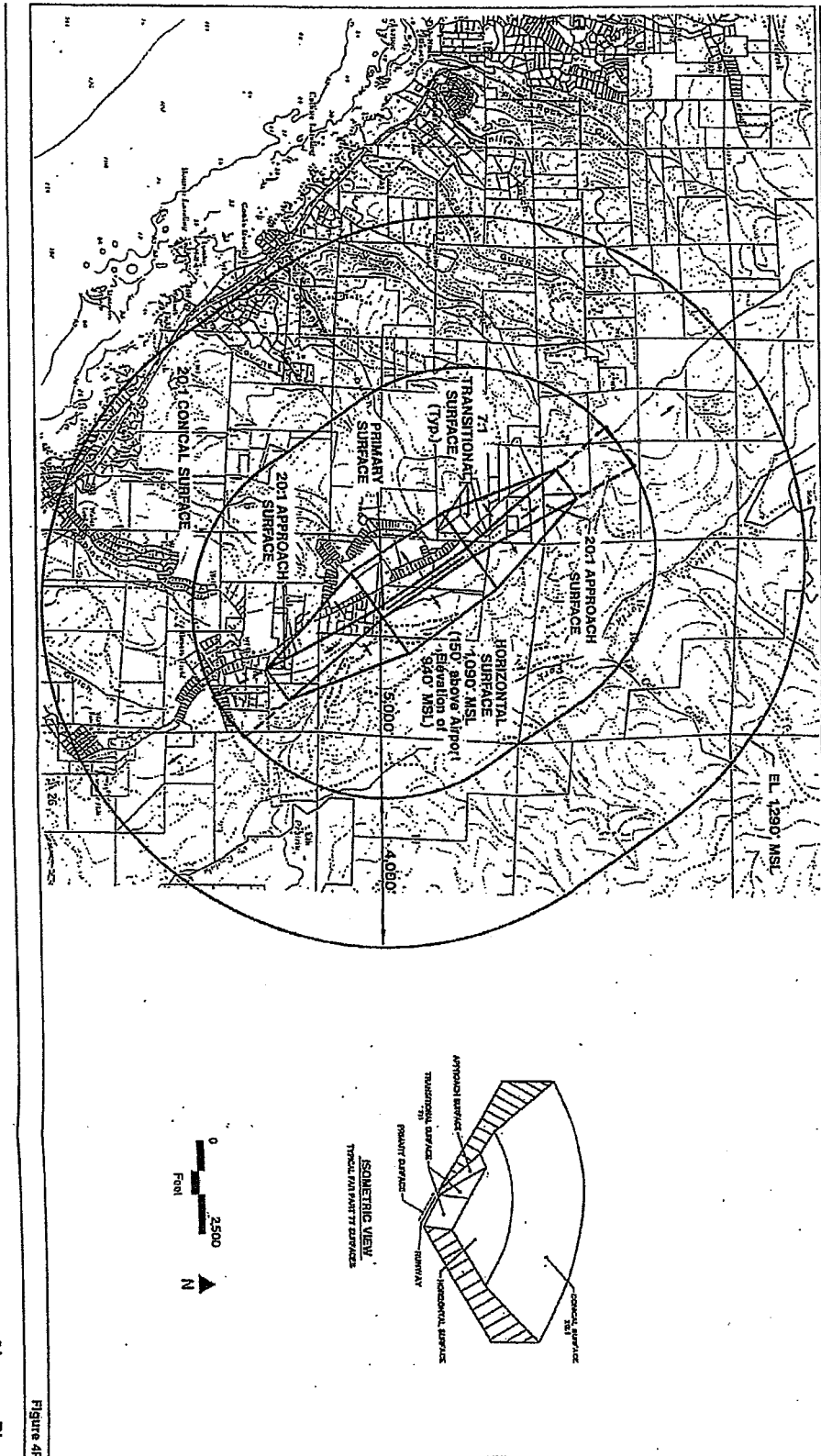


Figure 4p
Airspace Plan
Ocean Ridge Airport

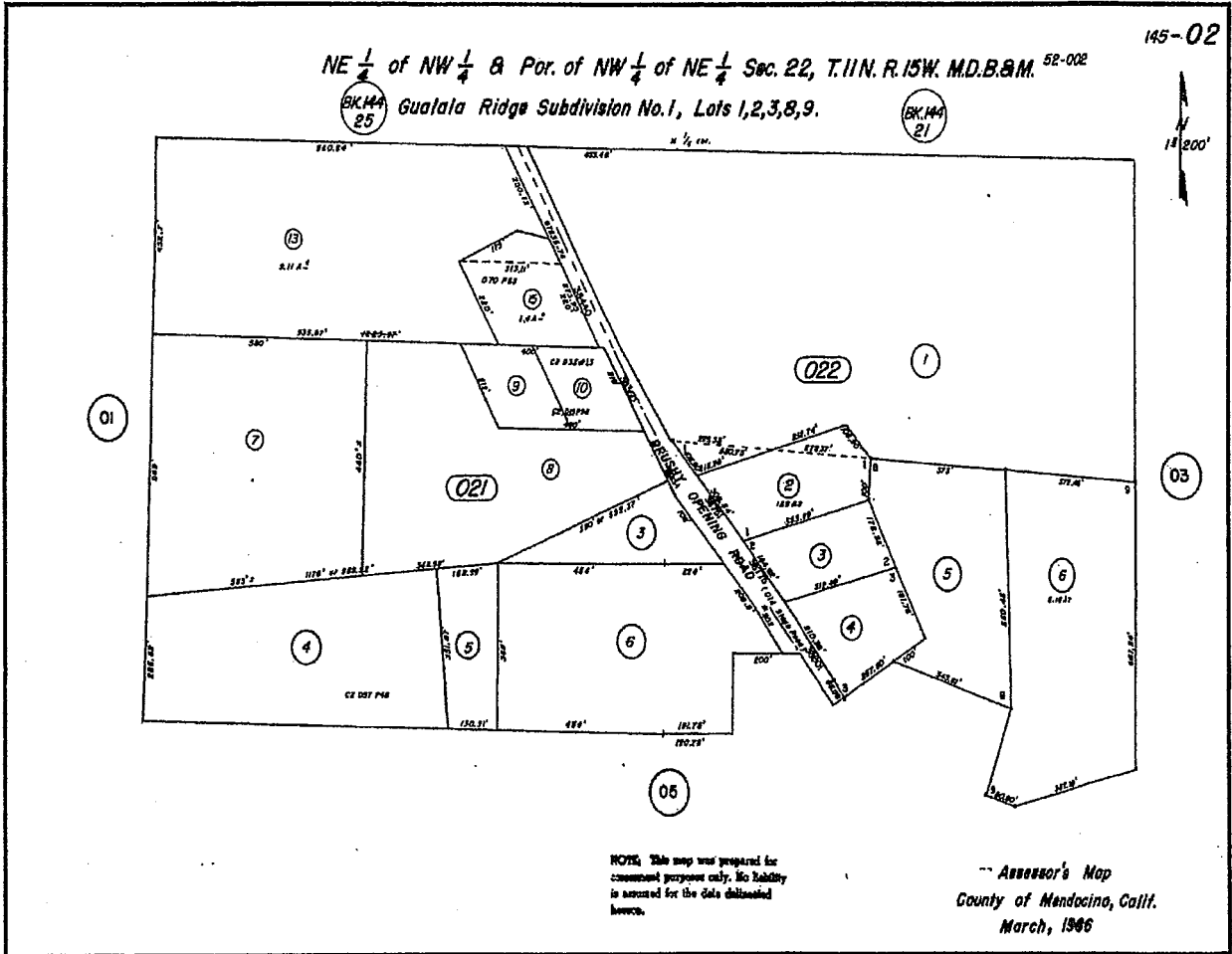


First American

EXHIBIT "B-4"

myFirstAm® Tax Map

38701 Old Stage Rd, Gualala, CA 95445



Limitation of Liability for Informational Report

IMPORTANT - READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

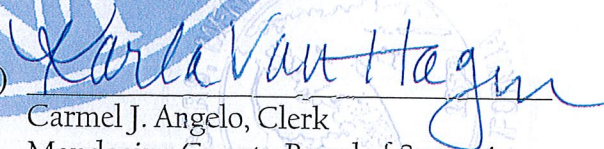
JURAT FOR CERTIFICATE OF ACCEPTANCE

State of California)
) ss.
County of Mendocino)

John McCowen, being first duly sworn, deposes and says: That he is the Chair of the Board of Supervisors, that he has read the foregoing *Certificate of Acceptance* and knows the contents thereof; that the same is true of her own knowledge, except as to those matters therein stated on her information and belief, and as to those matters she believes to be true.


John McCowen, Chair
Mendocino County Board of Supervisors

Subscribed and sworn to (or affirmed) before me on this 22nd day of December, 2017, by John McCowen, Chair, Mendocino County Board of Supervisors, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(Seal) 
Carmel J. Angelo, Clerk
Mendocino County Board of Supervisors

