

STANDARD
AVIGATION AND HAZARD EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, Desert Hills, A Limited Partnership, who collectively shall hereinafter be referred to as the "Grantors," all own an interest in a part of that certain tract of land in Section 6, Township 17 South, Range 10 East, N.M.P.M., County of Otero, State of New Mexico, more particularly described in Exhibit "A" attached hereto.

NOW THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, personal representatives, successors and assigns, do hereby grant, bargain, sell and convey unto the City of Alamogordo, New Mexico, its successors and assigns, hereinafter referred to as the "Grantee," for the use and benefit of the public, an easement and right-of-way, appurtenant to the Alamogordo-White Sands Regional Airport, for the unobstructed passage of all aircraft, ("aircraft" being defined for the purposes of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air) by whomsoever owned and operated in the air space above Grantors' property to an infinite height, together with the right to cause in all air space above the surface of Grantors' property such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on the Alamogordo-White Sands Regional Airport.

Grantors do hereby waive, remise and release any right or cause of action which they may now have or which they may have in the future against Grantee, its successors and assigns, with respect to Grantors' property 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 Alamogordo-White Sands Regional Airport. Nothing stated in the foregoing waiver, grant and release shall release any person from liability for damages or divest the Grantors, their heirs, personal representatives, successors and assigns from any right or cause of action for damages to any person or property resulting from the unlawful or negligent operation of any aircraft at any altitude over and across Grantors' property.

The easement and right-of-way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantors' property of any building, structure, tree or other object extending into the air space above a mean sea level of 4350 feet, and to remove from the air space or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other object now upon, or which in the future may be upon Grantors' property, together with the right of reasonable ingress to, egress from, and passage over Grantors' property for the above purposes. (However, nothing in this paragraph shall prohibit the erection or growth of any such building, structure or tree, or require lighting of the same, if it is not more than 50 feet in height.)

TO HAVE AND TO HOLD this easement and right-of-way, and all rights appertaining thereto unto the Grantee, its successors and assigns, until the City of Alamogordo shall cease to use the Alamogordo-White Sands Regional Airport for public airport purposes.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, personal representatives, successors and assigns, do hereby agree that for and during the life of said easement and right-of-way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantors' property any building, structure, tree or other object extending into the aforesaid prohibited air space, and that they shall not hereafter use or permit or suffer the use of Grantors' property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking off or maneuvering of aircraft. It is understood and agreed that the aforesaid covenants and agreements shall run with the land.

This Avigation and Hazard Easement may be signed in counterpart copies each of which shall be fully binding on the party or parties executing same as if all signatories signed a single copy.

EXHIBIT "A"TRACT ONE

A TRACT OF LAND LOCATED IN THE NW $\frac{1}{4}$ OF SECTION 6, T17S, R10E, NMPM,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 6 AND GOING EAST
ALONG THE NORTH LINE OF SAID SECTION 6 A DISTANCE OF 447.11 FEET
TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;
THENCE CONTINUING EAST A DISTANCE OF 1990.00 FEET; THENCE S 00°
02' 50" E A DISTANCE OF 287.00 FEET; THENCE S 45° 01' 22" E A
DISTANCE OF 28.30 FEET; THENCE S 89° 59' 54" E A DISTANCE OF
190.00 FEET; THENCE S 00° 02' 50" E A DISTANCE OF 2348.70 FEET;
THENCE N 89° 44' 08" W A DISTANCE OF 2643.56 FEET TO THE WEST LINE
OF SAID SECTION 6; THENCE N 00° 07' 30" W ALONG SAID WEST SECTION
LINE A DISTANCE OF 122.99 FEET; THENCE N 78° 05' 22" E A DISTANCE
OF 356.75 FEET; THENCE N 73° 41' 32" E A DISTANCE OF 168.21 FEET;
THENCE N 62° 42' 37" E A DISTANCE OF 189.15 FEET; THENCE N 52° 11'
25" E A DISTANCE OF 240.00 FEET; THENCE N 88° 44' 05" E A DISTANCE
OF 855.00 FEET; THENCE N 17° 51' 55" W A DISTANCE OF 420.00 FEET;
THENCE N 17° 34' 54" W A DISTANCE OF 700.68 FEET; THENCE N 43° 04'
30" E A DISTANCE OF 841.42 FEET; THENCE N 76° 07' 56" E A DISTANCE
OF 81.81 FEET; THENCE N 04° 39' 55" W A DISTANCE OF 50.00 FEET;
THENCE N 67° 00' 08" W A DISTANCE OF 344.54 FEET; THENCE N 71° 43'
58" W A DISTANCE OF 263.15 FEET; THENCE N 74° 57' 51" W A DISTANCE
OF 289.58 FEET; THENCE S 87° 49' 37" W A DISTANCE OF 729.76 FEET;
THENCE N 06° 32' 26" W A DISTANCE OF 131.52 FEET TO THE SAID PLACE
OF BEGINNING AND CONTAINING 77.409 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

TRACT TWO

A TRACT OF LAND LOCATED IN THE NW $\frac{1}{4}$ OF SECTION 6, T17S, R10E, NMPM,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 6 AND GOING EAST
ALONG THE NORTH LINE OF SAID SECTION 6 A DISTANCE OF 2437.11 FEET
TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;
THENCE CONTINUING EAST ALONG THE NORTH LINE OF SAID SECTION 6 A
DISTANCE OF 128.52 FEET; THENCE S 00° 02' 50" E A DISTANCE OF
71.45 FEET; THENCE S 89° 59' 54" E A DISTANCE OF 81.48 FEET;
THENCE S 00° 02' 50" E A DISTANCE OF 235.55 FEET; THENCE N 89° 59'
54" W A DISTANCE OF 190.00 FEET; THENCE N 45° 01' 22" W A DISTANCE
OF 28.30 FEET; THENCE N 00° 02' 50" W A DISTANCE OF 287.00 FEET TO
THE SAID PLACE OF BEGINNING, AND CONTAINING 1.342 ACRES, MORE OR
LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Exhibit "A" Continued

TRACT THREE

A TRACT OF LAND LOCATED IN THE NW $\frac{1}{4}$ OF SECTION 6, T17S, R10E, NMPM MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 6 AND GOING S 00° 07' 30" E ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 1378.06 FEET TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: THENCE N 89° 08' 46" E A DISTANCE OF 255.26 FEET; THENCE S 05° 13' 25" W A DISTANCE OF 934.54 FEET; THENCE S 51° 56' 25" E A DISTANCE OF 230.41 FEET; THENCE S 78° 05' 22" W A DISTANCE OF 356.75 FEET TO THE WEST LINE OF SAID SECTION 6; THENCE N 00° 07' 30" W ALONG SAID WEST SECTION LINE A DISTANCE OF 1142.53 FEET TO THE SAID PLACE OF BEGINNING, AND CONTAINING 5.650 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

TRACT FOUR

A TRACT OF LAND LOCATED IN THE NW $\frac{1}{4}$ OF SECTION 6, T17S, R10E, NMPM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 6 AND GOING S 00° 07' 30" W ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 2520.59 FEET; THENCE N 78° 05' 22" E A DISTANCE OF 356.75 FEET; THENCE N 73° 41' 32" E A DISTANCE OF 168.21 FEET TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE N 04° 17' 51" E A DISTANCE OF 553.85 FEET; THENCE S 62° 47' 38" E A DISTANCE OF 682.46 FEET; THENCE S 88° 44' 05" W A DISTANCE OF 290.82 FEET; THENCE S 52° 11' 25" W A DISTANCE OF 240.00 FEET; THENCE S 62° 42' 37" W A DISTANCE OF 189.15 FEET TO THE SAID PLACE OF BEGINNING, AND CONTAINING 3.337 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



STATE OF NEW MEXICO }
OTERO COUNTY }
FILED FOR RECORD IN MY OFFICE
The 26 day of Aug 19 83
At 9:30 o'clock P.M. and duly recorded
in Book No. 541 Page 392-97
County Clerk Otero County New Mexico
#89606