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ANNO

SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

~~PROPERTY RELEASE DEED~~

Type of Document

**PREPARER INFORMATION:** (name, address, phone number)

WINTERSET AIRPORT AUTHORITY

P.O. BOX 312

WINTERSET, IOWA 50273 515 468 0802

**TAXPAYER INFORMATION:** (name and mailing address)

NA

EJ

**RETURN DOCUMENT TO:** (name and mailing address)

GREG HARRISON

59 E. LANE

WINTERSET, IOWA 50273

**GRANTOR:** (name)

FEDERAL AVIATION ADMINISTRATION

**GRANTEE:** (name)

MADISON COUNTY, IOWA

**LEGAL DESCRIPTION:** (if applicable)

See page:

**Document or instrument of associated documents previously recorded:**

(if applicable)

## **DEED OF RELEASE**

This instrument, a Deed of Release, made by the United States of America, Acting by and through the Administrator of the Federal Aviation Administration, Department of Transportation, under and pursuant to the powers and authority contained in the provisions of 49 U.S.C. §47153, to the Winterset Airport Authority, Winterset, Iowa, a body politic, created, operating, and doing business under the laws of the State of Iowa, WITNESSETH:

**WHEREAS**, the Airport Owner has requested the United States of America to release the hereinafter described real property from all of those terms, conditions, reservations and restrictions of the said instrument(s) of transfer; and

**WHEREAS**, the Administrator of the Federal Aviation Administration is authorized to grant releases pursuant to the powers and authority contained in 49 U.S.C. §47153; and

**WHEREAS**, by virtue of delegation of authority, the Director, Airports Division, Central Region, Federal Aviation Administration, under and pursuant to the powers and authority contained in 49 U.S.C. §47153 is authorized to make determinations on requests for Deed of Release and to execute said Deeds of Release to convey, quitclaim or release any right or interest reserved to the United States of America by an instrument of disposal; and

**WHEREAS**, the Director, Airports Division, Central Region, Federal Aviation Administration, has determined that the release of such real property as is hereinafter described, from all of the said terms, conditions, reservations and restrictions set forth in the above identified instrument of transfer will not prevent accomplishment of the purpose for which the property was made subject to such terms, conditions, reservations and restrictions and is necessary to protect or advance the interests of the United States of America in civil aviation.

**NOW THEREFORE**, for and in consideration of the above expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the Winterset Airport Authority, Winterset, Iowa in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

- (1) That the Winterset Airport Authority, Winterset, Iowa reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, for use of said airspace for landing on, or taking off from or operating on Winterset Municipal Airport.
- (2) That the Winterset Airport Authority, Winterset, Iowa expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural

growth and other obstructions on the hereinafter described real property to such a height so as to comply with Federal Aviation Regulations, Part 77. With full knowledge that at one time land was airport property and as such has associated noise, the residence may not apply for noise abatement.

- (3) That the Winterset Airport Authority, Winterset, Iowa expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with the landing or takeoff of aircraft at the Winterset Municipal Airport or interfere with air navigation and or communication facilities serving Winterset Municipal Airport, or otherwise constitute an airport hazard.
- (4) Ensure that the Winterset Airport Authority, Winterset, Iowa and their successors and assigns shall not permit/afford access from the subject property onto Winterset Municipal Airport property.

**HEREBY**, releases the said real property from the terms, conditions, reservations, and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the Winterset Airport Authority dated May 7, 2020 which real property is described:

**Parcel 1:**

A RIGHT-OF-WAY DEDICATION LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 76 NORTH, RANGE 28 WEST OF THE 6TH P.M., MADISON COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24; THENCE ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24 ON AN ASSUMED BEARING OF S00°09'40"W, 371.56 FEET; THENCE S89°50'20"E, 20.00 FEET TO A POINT OF ON THE EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING AND A POINT OF CURVATURE; THENCE ON A 515.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 119.40 FEET (LONG CHORD BEARS S06°15'09"E, 119.13 FEET); THENCE S00°23'22"W, 172.44 FEET; THENCE N89°36'38"W, 12.62 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE N00°09'40"E, 290.78 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY DEDICATION CONTAINS A CALCULATED AREA OF 3,297.59 SQUARE FEET OR 0.076 ACRES, MORE OR LESS.

**Parcel 2:**

A RIGHT-OF-WAY DEDICATION LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 76 NORTH, RANGE 28 WEST OF THE 6TH P.M., MADISON COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24; THENCE ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24 ON AN ASSUMED BEARING OF S00°09'40"W, 371.56 FEET; THENCE S89°50'20"E, 20.00 FEET TO A POINT OF ON THE EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING AND A POINT OF CURVATURE; THENCE ON A 515.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 119.40 FEET (LONG CHORD BEARS S06°15'09"E, 119.13 FEET); THENCE S00°23'22"W, 172.44 FEET; THENCE N89°36'38"W, 12.62 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF N 8TH AVENUE N00°09'40"E, 290.78 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY DEDICATION CONTAINS A CALCULATED AREA OF 3,297.59 SQUARE FEET OR 0.076 ACRES, MORE OR LESS.

