

BK: 2018 PG: 2991
Recorded: 9/14/2018 at 2:27:59.0 PM
Fee Amount: \$37.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

AVIGATION EASEMENT
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)
Adam Doll, 1009 Main Street, Adel, IA 50003, Phone: (515) 993-4545

Taxpayer Information: (name and complete address)
Winterset Airport Authority
3405 North 8th Avenue
Winterset, IA 50273

Return Document To: (name and complete address)
Adam Doll, 1009 Main Street, Adel, IA 50003

Grantors:
Sylvia DeWitt

Grantees:
Winterset Airport Authority

Legal Description: See Page 2

Document or instrument number of previously recorded documents: N/A

AVIGATION EASEMENT

This easement is made and granted this 14th day of September, 2018, by Sylvia DeWitt, hereinafter referred to as Grantor, in favor of the Winterset Airport Authority, organized and existing under the laws of the State of Iowa, hereinafter referred to as Grantee.

WHEREAS, the Grantee is the owner and operator of the Winterset Airport, situated in Douglas Township, Madison County, Iowa, which airport is in close proximity to certain real estate owned by Grantor, as hereinafter described, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by Grantor, Grantor does hereby grant and convey unto Grantee, its successors and assigns, for the benefit of the general public at large, a Avigation Easement for the right-of-way and the free unobstructed passage of aircraft, by whomsoever owned or operated, in and through the air space over and across those parts of Grantor's lands which are legally described as follows:

AIRPORT AVIGATION EASEMENT DESCRIPTION

Parcel 1

Commencing at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 25; Thence along the North line of said Parcel D S89°12'14"E, 720.82 feet to the Northeast Corner of Parcel C, as filed in Madison County Records at Book 3, Page 16; Thence along the East line of said Parcel C S00°48'11"W, 221.65 feet to the point of beginning; Thence continuing along said East line S00°48'11"W, 184.50 feet; Thence along the South line of said Parcel C N89°16'48"W, 318.20 feet; Thence S00°18'26"W, 205.00 feet; Thence N89°41'34"W, 51.57 feet; Thence S36°57'54"E, 446.80 feet; Thence N53°02'06"E, 530.00 feet; Thence N36°57'54"W, 530.03 feet to the point of beginning. Described easement area contains 5.79 acres and is subject to other easements and restrictions of record. Described easement is being acquired as part of the Winterset Airport Improvements Project.

Said parcel of real estate is shown pictorially in the survey drawings, Exhibit "A" and Exhibit "B", hereto attached and made a part of this easement.

For the purposes of this easement the term Primary Surface means a horizontal rectangle 500 feet in width by 200 feet in depth existing at the exact elevation of the end of the airport runway. For the existing Runway End 32 (or the southeastern boundary of Parcel 1 as shown on Exhibit "A"), the height of the Primary Surface is 1093.75 feet MSL (mean sea level). The Primary Surface is contiguous to the end of the runway and extends 250 feet in width on either side of the runway centerline.

Parcel 41E (as depicted in Exhibit "B") is restricted from structures of other obstructions which would "pierce" an imaginary surface rising from the southeastern end of the primary surface at a slope of 20:1 (horizontal : vertical) outward from the runway for a horizontal distance of 1,000 feet.

The boundaries of the Avigation Easement are shown on the attached Exhibits "A" and "B".

Grantor, in furtherance of the easement described above, does hereby grant and convey to the Grantee, its successors and assigns, a continuing right to keep the air space above the afore designated heights clear and free from any and all fences, crops, trees, poles, buildings, and other obstructions of any kind or nature whatsoever which now extend, or which may at any time in the future extend, above the afore designated heights, together with the right of ingress to, egress from, and passage over the land of the Grantor first above described for the purpose of effecting and maintaining such clearances and of removing any and all obstructions which now or may hereafter extend above the afore designated heights.

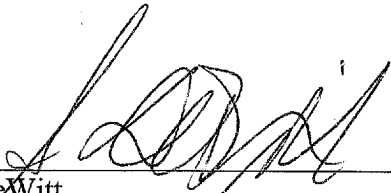
Grantor conveys and grants the aforementioned easement and all rights pertaining thereto unto Grantee, its successors and assigns, until the Winterset Airport shall be abandoned and shall cease to be used for airport purposes.

And for the consideration hereinabove set forth, the Grantor hereby covenants, for herself, her heirs, executors, administrators and assigns, for and during the life of this easement as follows:

- (a) Grantor shall not hereafter construct nor permit nor suffer to remain upon said land any obstruction that extends above the heights aforesaid, and
- (b) Grantor shall not hereafter use or permit or suffer use of the land first above described in such manner as to create electrical interference with radio communication between the installation upon the Winterset Airport and aircraft or as to make it difficult for flyers to distinguish between airport lights and others, or as to result in glare in the eyes of flyers using the said airport, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking off or maneuvering of aircraft,


And the aforesaid covenants and agreements shall run with the land of the Grantor, as hereinabove described, for the benefit of the Grantee, its successors and assigns, in the ownership and operation of the Winterset Airport.

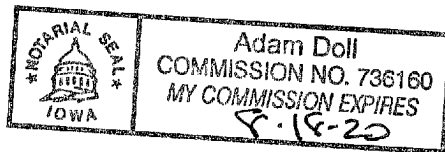
All of which is hereby granted, conveyed and covenanted at Winterset, Madison County, Iowa.

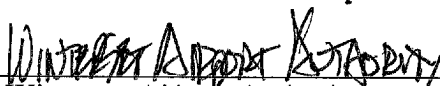


Sylvia DeWitt

State of Iowa, County of Madison

On this 14th day of September, 2018, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Sylvia DeWitt, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as her voluntary act and deed.

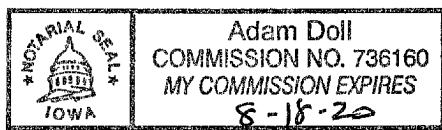

Notary Public in and for the State of Iowa




Winterset Airport Authority
By: , its CHAIRMAN

State of Iowa, County of Madison

On this 14th day of September, 2018, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Greg Harrison as Chairman of Winterset Airport Authority, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



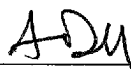

Notary Public in and for the State of Iowa

Exhibit A

PREPARED BY & RETURN TO: BRAD R. GEATER, PLS, MCCLURE ENGINEERING COMPANY 1360 NW 121ST STREET, CLIVE, IA 50325, 515-964-1229

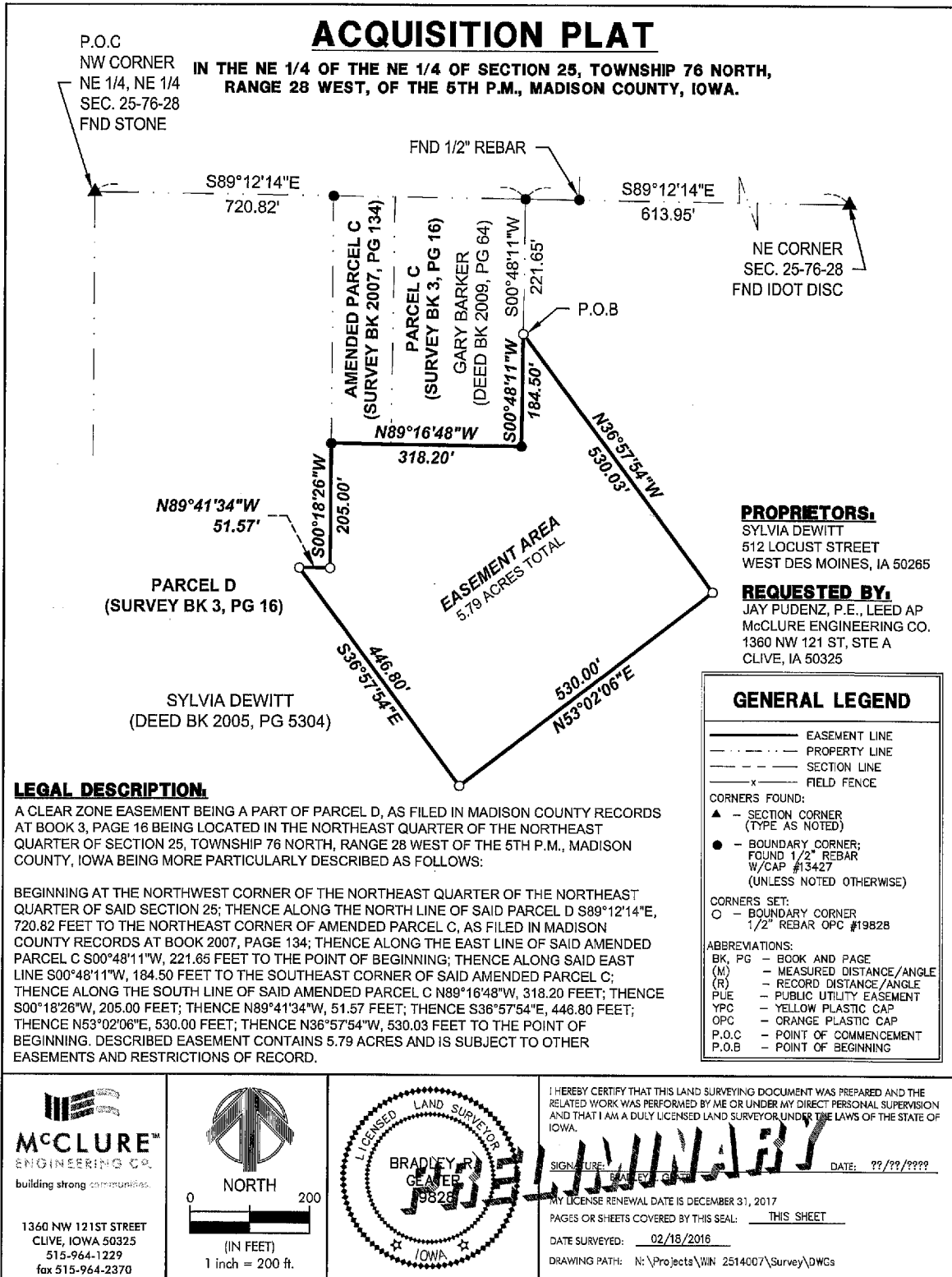
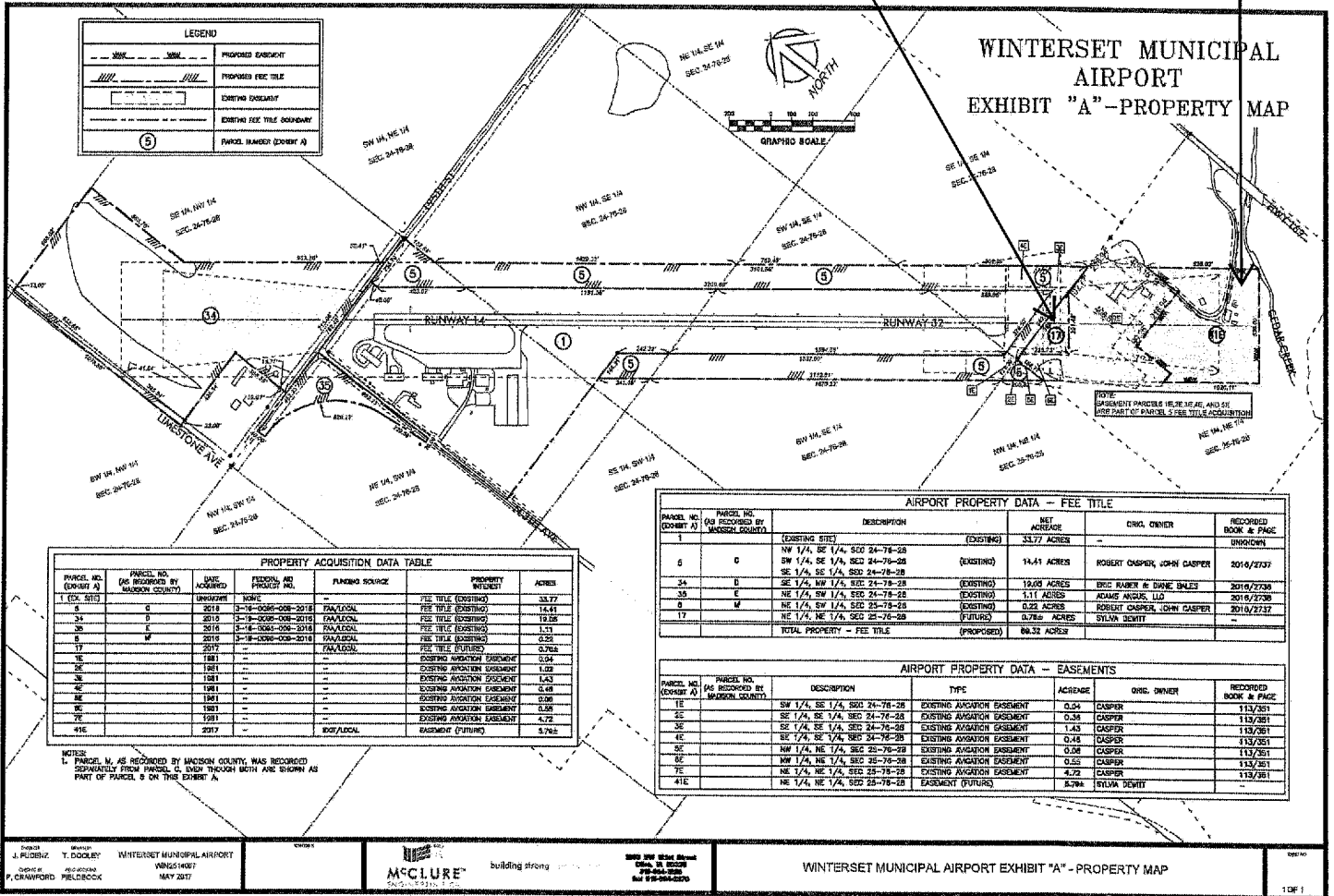


Exhibit B

Avigation Easement

Fee Title

WINTERSET MUNICIPAL AIRPORT EXHIBIT "A" - PROPERTY MAP



LEGEND	
	PROPOSED EASEMENT
	PROPOSED FEE TITLE
	EXISTING EASEMENT
	EXISTING FEE TITLE BOUNDARY
	PARCEL NUMBER (EXHIBIT A)

PROPERTY ACQUISITION DATA TABLE						
PARCEL NO. (EXHIBIT A)	PARCEL NO. (AS RECORDED BY MADISON COUNTY)	DATE ACQUIRED	FEDERAL AID PROJECT NO.	FUNDING SOURCE	PROPERTY INTEREST	ACRES
1	(EX. 517)	2017	None	None	FEE TITLE (EXISTING)	33.77
5	G	2018	3-18-0086-008-2018	FAN/LOCAL	FEE TITLE (EXISTING)	14.41
24	D	2018	3-18-0086-008-2018	FAN/LOCAL	FEE TITLE (EXISTING)	19.88
25	E	2018	3-18-0086-008-2018	FAN/LOCAL	FEE TITLE (EXISTING)	1.11
6	M	2018	3-18-0086-008-2018	FAN/LOCAL	FEE TITLE (EXISTING)	0.22
17		2017	None	None	FEE TITLE (FUTURE)	0.28
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	0.24
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	1.08
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	1.43
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	0.48
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	0.30
NE	1981	--	--	--	EXISTING AVIGATION EASEMENT	0.58
SE	1981	--	--	--	EXISTING AVIGATION EASEMENT	4.72
41E	2017	--	--	INT/LOCAL	EASEMENT (FUTURE)	5.76

NOTE:
1. PARCEL M, AS RECORDED BY MADISON COUNTY, WAS RECORDED SEPARATELY FROM PARCEL G, EVEN THOUGH BOTH ARE SHOWN AS PART OF PARCEL 5 ON THIS EXHIBIT A.

AIRPORT PROPERTY DATA - FEE TITLE					
PARCEL NO. (EXHIBIT A)	PARCEL NO. (AS RECORDED BY MADISON COUNTY)	DESCRIPTION	NET ACRES	ORIG. OWNER	RECORDED BOOK & PAGE
1		(EXISTING SITE)	(EXISTING)		UNKNOWN
5	G	NW 1/4, SE 1/4, SEC 24-78-28 SW 1/4, SE 1/4, SEC 24-78-28	(EXISTING)	ROBERT CASPER, JOHN CASPER	2018/2737
24	D	SE 1/4, SE 1/4, SEC 24-78-28	(EXISTING)	ERIC RUMER & DYNE SMILES	2018/2738
25	E	NE 1/4, NW 1/4, SEC 24-78-28	(EXISTING)	ADAMS ANGUS, LLC	2018/2739
6	M	NE 1/4, SW 1/4, SEC 25-78-28	(EXISTING)	ROBERT CASPER, JOHN CASPER	2018/2737
17		NE 1/4, NE 1/4, SEC 25-78-28	(FUTURE)	STILAN SCOTT	--
TOTAL PROPERTY - FEE TITLE			(PROPOSED)	84.32 ACRES	

AIRPORT PROPERTY DATA - EASEMENTS						
PARCEL NO. (EXHIBIT A)	PARCEL NO. (AS RECORDED BY MADISON COUNTY)	DESCRIPTION	TYPE	ACREAGE	ORIG. OWNER	RECORDED BOOK & PAGE
1E		SW 1/4, SE 1/4, SEC 24-78-28	EXISTING AVIGATION EASEMENT	0.24	CASPER	113/261
2E		SE 1/4, SE 1/4, SEC 24-78-28	EXISTING AVIGATION EASEMENT	0.30	CASPER	113/261
3E		SE 1/4, SE 1/4, SEC 24-78-28	EXISTING AVIGATION EASEMENT	1.43	CASPER	113/261
4E		SE 1/4, SE 1/4, SEC 24-78-28	EXISTING AVIGATION EASEMENT	0.48	CASPER	113/261
5E		NW 1/4, NE 1/4, SEC 25-78-28	EXISTING AVIGATION EASEMENT	0.58	CASPER	113/261
6E		NW 1/4, NE 1/4, SEC 25-78-28	EXISTING AVIGATION EASEMENT	0.22	CASPER	113/261
7E		NE 1/4, NE 1/4, SEC 25-78-28	EXISTING AVIGATION EASEMENT	4.72	CASPER	113/261
41E		NE 1/4, NE 1/4, SEC 25-78-28	EASEMENT (FUTURE)	5.76	STILAN SCOTT	--