

**Attachment 2****AVIGATION EASEMENT**

WHEREAS, James B. Westwang, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in the County of Sheridan, State of Wyoming, more particularly described as shown on the attached Exhibit "A", hereinafter called "Grantors' property", and outlined on the attached map (Exhibit "B"); NOW, THEREFORE, in consideration of the sum of Five thousand eight hundred five dollars (\$5,805.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto County of Sheridan, hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way, appurtenant to Sheridan County Airport for the unobstructed use and passage of all types of aircraft (as hereinafter defined), in and through the airspace above Grantors' property above an imaginary plane rising and extending in a generally northerly direction over Grantors' property, said imaginary plane running at a distance shown on Attachment 3, Table 1 above the ground, to an infinite height above said imaginary plane

Said easement shall be appurtenant to and for the benefit of the real property now known as Sheridan County Airport including any additions thereto wherever located, hereafter made by Sheridan County or its successors and assigns, guests, and invitees, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all airspace above or in the vicinity of the surface of Grantors' property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantors' property or in landing at or taking off from, or operating at or on said Sheridan County Airport is hereby granted; and Grantors do hereby fully 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 successor and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the normal operation of aircraft landing at, or taking off from, or operating at or on said Sheridan County Airport; expressly excluding any entry upon or invasion or trespass of the surface of lands described in Exhibit A and Exhibit B, belonging to Grantor and all airspace above said surface that is not included in the described easement.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated. The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantors' property of any building, structure, tree, or other object, extending into the airspace above the aforesaid imaginary plane, and to require the Grantor to remove from said 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 objects now upon, or which in the future may be upon Grantors' property, together with the right of ingress to, egress from, and passage over Grantors' property for the above purpose.