

RECORDED APRIL 21, 1987 BK 310 PG 254 NO. 981975 RONALD L. DAILEY, COUNTY CLERK

CLEAR ZONE EASEMENT

WHEREAS, T. R. SHELBY and EMILY SHELBY, husband and wife, Grantors, are the owners in fee of that certain tract of land situated in Sheridan County, State of Wyoming, more particularly described as follows, to-wit:

A tract of land situated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T56N, R84W, 6th P.M., Sheridan County, Wyoming, said tract more particularly described as follows: beginning at the Northwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence north 89°34'41" east, 137.46 feet along the North line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point in the centerline of Big Goose Creek; thence S24°32'06"W, 54.17 feet along said centerline to a point; thence S51°48'43"W, 142.02 feet along said centerline to a point on the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N01°24'24"W, 136.11 feet along said West line to the point of Beginning.

Said tract contains 11,116.51 square feet more or less.

WHEREAS, Sheridan County, Wyoming, hereinafter called the Grantee, is the owner and operator of the Sheridan County Airport, situate in Sheridan County, Wyoming, in close proximity to the above-described property, and

WHEREAS, it is deemed necessary that in that portion of the above-described property which lies within the northern clear zone approach area of the NW/SE runway of said airport be and remain free and clear of any structure, tree, or other object which is or would constitute an obstruction or hazard to the flight of aircraft in landing and taking off at the said Sheridan County Airport, which said clear zone approach area is more particularly described as follows:

Situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming; beginning at a point which is North 60°57' West for 3311 feet from the Southeast corner of Section 33, Township 56 North, Range 84 West, thence South 50°48' West for 250 feet, thence North 44°55' West for 2010 feet, thence North 50°48' East for 900 feet, thence South 33°29' East for 2010 feet, thence South 50°48' West for 250 feet to the point of beginning.

NOW, THEREFORE:

In consideration of the sum of One Dollar (\$1.00), in hand paid by the Grantee to the Grantors, and of other good and valuable consideration, the receipt and sufficiency of

which is hereby acknowledged, the Grantors, for themselves, their heirs, successors, and assigns, do hereby covenant and agree with the Grantee, that, for the benefit of the public in its use of said Airport, they will not hereafter erect, or permit the erection or growth, of any structure, tree, or other objects within that portion of the land owned by the Grantors herein, which lies within the northern clear zone approach area of the NW/SE runway, to a height above the clear zone approach surface for that approach area, said clear zone approach surface being an inclined plane with a slope of 40:1 (one foot of elevation for each 40 feet of horizontal distance) located directly above the clear zone approach area, which inclined plane has an elevation of 3961 mean sea level at its inner and lower edge and an elevation of 4011 mean sea level at its outer and upper ledge;

The easement and right of way shall include the right to cause in the air space above the surface of the Grantors' property such noise, vibrations, fumes, dust, fuel particles, and all other affects caused by the operation of aircraft landing at, or taking off from, or operating at or on the Sheridan County Airport. The Grantors, their heirs, successors and assigns do hereby waive and release any right or cause of action which they may now have or which they may have in the future against the Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles, and all other affects 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 Sheridan County Airport.

The Grantors, for themselves, their heirs, successors and assigns, for the said consideration, do hereby grant and convey to the Grantee, its agents, servants and employees, a continuing right and easement to take any action necessary to prevent the erection or growth of any structures, tree, or other object into the air space above that part of said

approach surface which is directly over the land owned by the Grantors, and to remove from such air space, or mark and light as obstructions to air navigation, any and all structures, trees, or other objects that may at any time project or extend above the said approach surface, together with the right of ingress to, egress from, and passage over the land of the Grantors within the said clear zone approach area for such purposes; and further that the Grantors shall not hereafter use or permit to suffer the use of the Grantors' property in such manner as to create electrical interference with radio, or other communication between any installation upon said airport and aircrafts, 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 an aircraft;

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns until said Sheridan County Airport shall be abandoned and shall cease to be used for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall be binding upon the heirs, administrators, executors and assigns of the Grantors, that these covenants and agreements shall run with the land, and that, for the purposes of this instrument, that portion of the above-described land owned by the Grantors herein which lies within the clear zone approach area shall be the servient tenement and the said Sheridan County Airport shall be the dominant tenement.

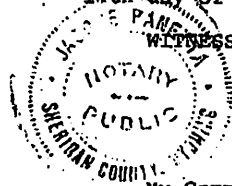
IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this 14th day of April, 1987.

T. R. Shelby
T. R. SHELBY

Emily Shelby
EMILY SHELBY

STATE OF WYOMING)
) ss.
County of Sheridan)

The above and foregoing Clear Zone Easement was
acknowledged before me by T. R. SHELBY and EMILY SHELBY this
14th day of April, 1987.



WITNES my hand and official seal.

J. E. Parnell
Notary Public

My Commission expires:

9-23-87