

Lincoln County, Oregon  
06/26/2023 10:48:46 AM  
DOC-E

2023-04182

Cnt=1 Pgs=5 Stn=12  
\$25.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total =\$113.00



00230636202300041820050057

I, Amy A Southwell, County Clerk, do hereby certify  
that the within instrument was recorded in the Lincoln  
County Book of Records on the above date and time.  
WITNESS my hand and seal of said office affixed.

Amy A Southwell, Lincoln County Clerk



**After recording return to:**

City of Newport  
Attn: City Recorder  
169 SW Coast Hwy  
Newport, OR 97365

## AVIGATION EASEMENT

This easement is entered into by and between Edgar L. Townsend, III and Kathryn N. Townsend, as tenants by the entirety, hereinafter Grantor, and the City of Newport, a municipal corporation of the State of Oregon, hereinafter Grantee:

WHEREAS the Grantee is the owner and operator of the Newport Municipal Airport, situated in the County of Lincoln, State of Oregon, and in close proximity to the real property of Grantor; and

WHEREAS the Grantee desires to obtain and preserve for airport operations and for use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking-off from, or maneuvering about and around said Airport, an Avigation Easement appurtenant to the airport site, upon and over the real property of Grantor described in the attached Exhibit A;

NOW, THEREFORE, for good and valuable consideration, the receipt thereof is acknowledged by Grantor, Grantor does hereby give, grant, and convey to Grantee, for its use and the benefit of the general public at large, the Avigation Easement described herein; provided, however, that the air space in which the easement is herein granted shall be that which lies above an elevation of 176 feet mean sea level (MSL), referencing the North American Vertical Datum of 1988 (NAVD 88).

In consideration of the mutual covenants of Grantor and Grantee, the parties agree as follows:

1. Easement Purpose: The purpose of this easement is to provide clear zones and approach areas at the Newport Municipal Airport; to acknowledge the right of any and all types of aircraft to cause noise, vibrations, fumes, deposits of dust, fuel particles (incidental to the normal operation of aircraft); and to provide hereby a continuing right to keep the air space free and clear of any and all obstructions of whatever kind from encroaching into the easement area now or in the future.
2. Surface and Slope: The airspace subject to the easement shall be at a surface running from 176 feet MSL at a rate of one foot vertically for each 20 feet horizontally to an elevation of 215 feet MSL along a projected line, as described in the attached Exhibit B.
3. Access: This easement is conveyed together with the right to ingress and egress and passage over and above the real property of Grantor for the purpose of affecting and maintaining such clearances and of removing any and all obstructions which may now or hereafter extend above and into the Avigation Easement area.
4. Duration: The easement granted herein is perpetual. Grantee shall abandon the interests conveyed herein at such time as the appurtenant and benefited real property ceases to be used for airport purposes

5. Binding Upon Subsequent Owners: The easement and the covenants contained herein shall run with the land and benefit the grantee, and shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns.
6. Indemnity: Grantors agree to indemnify Grantee for, and waive all damages and claims for damages caused or alleged to be caused by, Grantor's violation of any aspect of this easement.

IN WITNESS whereof the parties have executed this instrument as of the date opposite their names.

Edgar L. Townsend, III

By: 

Dated: June 23, 2023

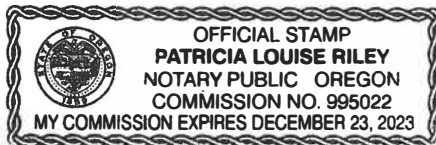
Katheryn N. Townsend

By: 

Dated: June 23, 2023

STATE OF OREGON           )  
  ) ss  
County of Lincoln         )

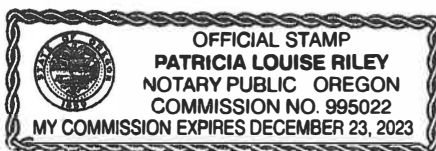
This instrument was acknowledged before me on the 23 day of June, 2023  
by Edgar L. Townsend, III.




  
Notary Public for Oregon  
My commission expires: 12/23/23

STATE OF OREGON           )  
  ) ss  
County of Lincoln         )

This instrument was acknowledged before me on the 23 day of June, 2023  
by Kathryn N. Townsend.



  
Notary Public for Oregon  
My commission expires: 12/23/23

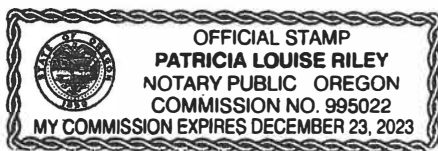
## ACCEPTANCE OF EASEMENT

The City of Newport, Oregon, does hereby accept the above-described easement this 23<sup>rd</sup> day of June, 2023.

Spencer R. Nebel  
Spencer R. Nebel, City Manager

STATE OF OREGON           )  
  ) ss  
County of Lincoln         )

This instrument was acknowledged before me on the 23 day of June, 2023  
by Spencer R. Nebel as City Manager of the City of Newport.



Patricia Louise Riley  
Notary Public for Oregon  
My commission expires: 12-23-23

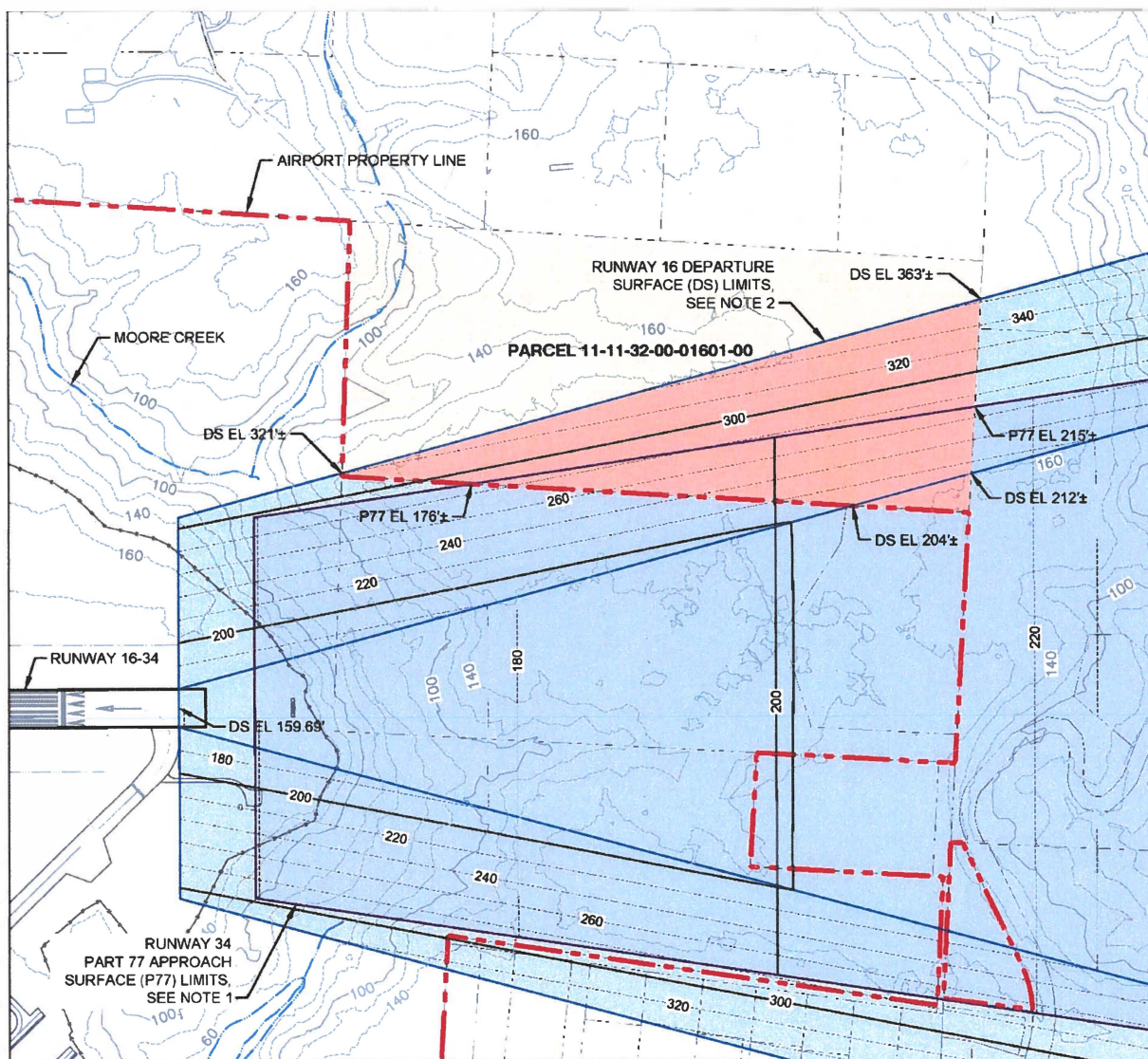
## Exhibit A

### Legal Description of Encumbered Property

A tract of land in the East 1/2 of the Southwest quarter of Section 32, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon, described as follows:

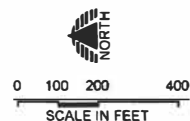
Beginning at the Southwest corner of the East 1/2 of the Southwest quarter of said Section 32; thence North 0° 20' 20" East along the West line of said quarter, 1637.37 feet to the North line of the South 1/2 of the South 1/2 of the Northeast quarter of the Southwest quarter of said Section 32; thence South 89° 33' 40" East along said North line 667.88 feet to an iron rod set in County Survey No. 5558, the true point of beginning of the tract to be described; thence South 0° 39' 30" West, 1641.30 feet along the line surveyed in said County Survey No. 5558 to the South line of said Section 32; thence East along the said South line 658.75 feet to the South quarter corner of said Section 32; thence North 0° 58' 30" East along the North and South center line of Section 32, 1645.30 feet to the North line of the South 1/2 of the South 1/2 of the Northeast quarter of the Southwest quarter of said Section 32; thence North 89° 33' 40" West, 667.88 feet to the true point of beginning.

06/05/23 - 3:02pm - jwade - P:\IN\PT013-Obstruction Removal-FY2023\0400CAD\Graphics\EXH-Townsend-AvEase.dwg



#### NOTES

1. NAVIGABLE AIRSPACE APPROACH SURFACE AS DEFINED IN CODE OF FEDERAL REGULATIONS TITLE 14, CHAPTER 1, SUBCHAPTER E, PART 77.19.
2. AIRCRAFT INSTRUMENT DEPARTURE SURFACE AS DEFINED IN FAA ADVISORY CIRCULAR 150/5300-13B, CHAPTER 3.
3. APPROACH AND DEPARTURE SURFACES HAVE BEEN PROJECTED FROM ASSUMED RUNWAY 34 THRESHOLD ELEVATION OF 159.69.
4. SURFACE ELEVATIONS SHOWN ARE NAVD88. (MSL)



NEWPORT MUNICIPAL AIRPORT  
TOWNSEND AVIGATION EASEMENT

## RUNWAY 16 DEPARTURE

EXHIBIT B

JUN 2023

PRECISION  APPROACH  
ENGINEERING  
5125 Southwest Hoyt Street  
Corvallis, OR 97333  
541-754-0043