SAMPLE AVIGATION EASEMENT
(Extracted from RDU's Ordnance)

STATE OF:

COUNTY OF:

THIS DEED OF EASEMENT, made and entered into as of this day of_____199_, by and between _____ and _____, Grantors, and _____ **AIRPORT AUTHORITY**, Grantee;

WITNESSETH;

THAT WHEREAS, Grantors own that certain lot or parcel of real property located and situate in _____(county)_____, _____(state)_____, which said property is more particularly described in Exhibit A attached hereto and incorporated herein by reference and which property is located within the area of the Airport Overlay District and is exposed to noise associated with aircraft overflight; and

WHEREAS, Grantee is a municipal corporation organized and existing under the laws of the State of _____ for the purpose of operating _____ Airport, located in _____(city/county)_____, _____(state)_____; and

WHEREAS, Grantee is a public body having the power of eminent domain under the laws of the State of _____; and

WHEREAS, Grantors have applied to subdivide or develop the property for residential purposes and an required by the Airport Overlay District Ordinance have agreed to grant to Grantee this avigation easement as a condition for approval to subdivide or develop the property described in Exhibit A. Grantors have agree to convey this Avigation Easement to Grantee upon the terms and conditions herein expressed;

NOW, THEREFORE, Grantors have and by these presents do hereby transfer, assign, bargain, sell, grant and convey to grantee a perpetual right and easement for the free and

unobstructed flight of aircraft (being defined as any contrivance now or hereafter used for flight in the air) over and in the vicinity of the property described in Exhibit A attached hereto, including jet-powered air carrier aircraft in landing and take-off operations and other flight activities associated therewith, together with the right to cause such noise, vibrations, odors, vapors, particulates, smoke, dust or other effects as may be inherent in the operation of aircraft of all types.

This Easement shall be appurtenant to and shall run with the real property now owned and hereafter acquired and used for airport purposes by Grantee or its successors in interest. This Easement and the burden thereof, together with all incidents and effects of or resulting from use and enjoyment thereof shall constitute a permanent burden and tenement upon the subject property which shall be binding upon and enforceable against the Grantors, their heirs, assigns and/or successors in interest.

TO HAVE AND TO HOLD said rights and easement unto the said Grantee and its successors forever, it being agreed that the right and easement herein granted are appurtenant to and run with all property now or hereafter acquired and used as part of _____ Airport.

And the said Grantors covenant that they are seized and possessed of all right, title and interest in and to the subject real property in fee simple and have the right to convey same free and clear of all encumbrances, and will warrant and defend the right and easement herein granted against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals as of the date and year first above written.

_____(SEAL)

_____(SEAL)