

5944

ATTACHMENT 3

RECORDED AT REQUEST OF

REDWOOD EMPIRE TITLE COMPANY

BOOK 1681 PAGE 92

APR 21 10 40 AM '88

OFFICIAL RECORDS  
MENDOCINO COUNTY CALIF  
MARSHA A. YOUNG  
RECORDER

RECORDING REQUESTED BY

City of Ukiah

AND WHEN RECORDED MAIL TO

City of Ukiah  
300 Seminary Avenue  
Ukiah, CA 95482

*No fee  
9-P*

AGREEMENT AND GRANT OF EASEMENT

THIS AGREEMENT AND GRANT OF CLEAR ZONE (AVIGATION) EASEMENT,

made by and between

L. M. RUDDICK and PAULINE RUDDICK, tenants in common, as "GRANTORS", and THE CITY OF UKIAH, A Municipal Corporation, as "GRANTEE",

W I T N E S S E T H:

That the Grantors do hereby grant, release and convey to Grantee its successors and assigns forever, a perpetual easement over that portion of the following described parcel of land in which the Grantor holds a fee simple estate, designated as Parcel 1, lying within the Northerly approach area, as hereinafter described, of the North-South runway of the Ukiah Municipal airport and situated in the County of Mendocino, State of California:

Parcel 1:

(For Legal Description, see Exhibit "A")

That portion of Parcel 1 lying within the said Northerly clear zone approach area, is delineated by the hatch lines on the Exhibit "B" attached hereto and made a part hereof.

The Grantor agrees that they, their heirs, successors and assigns shall not hereafter erect, or permit the erection or growth of, any structure, tree or other object within that portion of Parcel 1 lying within the said Northerly clear zone approach area to a height above the clear zone approach surface for that approach area, as shown on Exhibit "B" attached hereto and incorporated herein, said clear zone approach surface being, hereinafter described. Grantor, their heirs, successors and assigns shall assume the expense of complying with this paragraph, except for the initial removal of trees, shrubs or perennial growth as described in paragraph 9 below.

The Grantor further agrees that the easement and rights hereby granted to

the Grantee in and over that portion of Parcel 1 which lies within the said Northerly clear zone approach area are for the purpose of ensuring that the said Northerly clear zone approach area shall 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 Ukiah Municipal Airport; that these rights shall include, but not be limited to, the following:

1. The continuing and perpetual right to cut to ground level and remove trees, bushes, shrubs or any other perennial growth or undergrowth extending into, or which in the future could infringe upon or extend into or above, the Northerly clear zone approach surface hereinafter described.
2. The right to restrict or prohibit specific agricultural uses such as establishment of orchards or other plant growth that may eventually penetrate the clear zone approach surface.
3. The right to remove, raze or destroy those portions of buildings, other structures and land infringing upon or extending into said Northerly approach surface, together with the right to prohibit the future erection of buildings or other structures which would infringe upon or extend into said surface, and the right to control the maintenance of any structure which would cause temporary interference with said surface.
4. The right to 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 said surface.
5. The right to restrict or prohibit radio or electromagnetic interference in accordance with present or future regulations adopted by the Federal Communications Commission.
6. The right to restrict or prohibit lights, lighted signs and other lighted objects.
7. The right of ingress to and egress from, and passage over the land of the Grantor within the Northerly clear zone approach area, hereinafter described, for the above purposes.
8. For the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the Northerly clear zone approach surface, hereinafter described, together with the right to cause in said airspace such noise, vibrations, fumes, dust and fuel particles as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in air, using said airspace for landing at, taking off from or operating on Ukiah Municipal Airport.
9. Grantee shall initially trim, prune or remove existing trees, shrubs, bushes and any other existing growth to a point below the Northerly clear zone approach surface. Grantee shall continue to prune and trim a large fir tree located in the Northwest corner of Grantors property. Said tree

is shown on attached Exhibit "B".

Grantor shall maintain all trees, shrubs bushes and other growth planted subsequent to the execution of this agreement, to a point below the Northerly clear zone approach surface.

The Northerly clear zone approach area and the Northerly clear zone approach surface are delineated on Exhibit "B" attached hereto and are described as follows:

#### Northerly Clear Zone Approach Area

The Northerly clear zone approach area is an area trapezoidal in form located at the Northerly end of said North-South runway which area extends outwardly 1700 feet from a line that is at right angles to the extended centerline of said runway and 200 feet from the Northerly end thereof and which area is 500 feet wide at its inner end and 1010 feet wide at its outer end and whose axis coincides with the extended centerline of said runway. Said Northerly clear zone approach area is more particularly described as follows:

Commencing at the centerline of the runway at the Northerly end of the Ukiah Municipal Airport, said centerline having a bearing of North 11° 38' 18" West;  
thence North 11° 38' 18" West, 200.00 feet  
to the point of beginning;  
thence South 78° 21' 42" West, 250.00 feet;  
thence North 20° 10' 09" West, 1719.02 feet;  
thence North 78° 21' 42" East, 1010.00 feet;  
thence South 3° 06' 27" East, 1719.02 feet;  
thence South 78° 21' 42" West, 250.00 feet  
to the point of beginning.

#### Northerly Clear Zone Approach Surface

The Northerly clear zone approach surface is a trapezoidal plane with a slope of 34 to 1 (one foot of elevation for each thirty-four feet of horizontal distance) located directly above the Northerly clear zone approach area, hereinabove described, which inclined plane has an elevation of 615 feet mean sea level at its inner and lower edge along line AB, as shown on Exhibit "B", and an elevation of 665 feet mean sea level at its outer and upper edge along line CD, as shown on said Exhibit "B". (Note: Approach surface is not the ground surface.)

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Ukiah Municipal 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 run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and that for the purpose of this instrument, that portion of Parcel 1 which lies within the Northerly clear zone approach area shall be the servient tenement and

said Ukiah Municipal Airport shall be the dominant tenement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and Grant of Easement.

"GRANTOR"

"GRANTEE"  
CITY OF UKIAH

L. M. Ruddick  
L. M. Ruddick

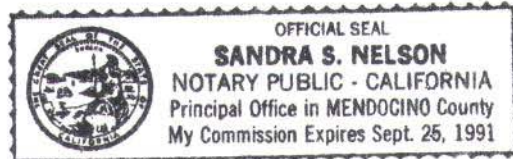
D. Kent Payne  
D. Kent Payne, City Manager

Pauline Ruddick  
Pauline Ruddick

STATE OF CALIFORNIA )  
COUNTY OF MENDOCINO ) SS.

On this 15th day of April, 19 88, before me the the undersigned, a Notary Public in and for the said County and State, personally appeared L. M. RUDDICK and PAULINE RUDDICK personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names <sup>are</sup> subscribed to the within instrument and acknowledged that they executed the same.

Sandra S. Nelson  
SANDRA S. NELSON

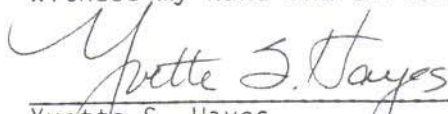


Certificate of Acknowledgment

State of CALIFORNIA)  
County of MENDOCINO)

ON April 18, 1988, before me, the undersigned,  
the City Clerk for the City of Ukiah, personally appeared  
D. Kent Payne, known to me to be the City Manager of the City  
of Ukiah, and the person whose name is subscribed to the  
within instrument, and acknowledged to me that the City of  
Ukiah executed the same.

Witness my hand and official seal.



Yvette S. Hayes

Yvette S. Hayes  
City Clerk in and for the City of Ukiah

(SEAL AFFIXED)

E X H I B I T "A"

All that certain real property situate, lying and being in the City of Ukiah, County of Mendocino, State of California, more particularly described as follows:

PARCEL ONE:

BEGINNING at a point on the North line of the County Road along the North end of Ukiah Municipal Airport at the Southwest corner of that parcel of land conveyed by Jonas Eriksen et al to Ukiah Fruit Growers, Inc., a Corporation, by deed dated May 25, 1935, and recorded in Liber 100 of Official Records, at Page 346, Mendocino County Records; thence from said point of beginning North 5° 31' West along the West line of said Ukiah Fruit Growers land 725.70 feet to the Northwest corner thereof; thence South 87° 42' East, along the North line thereof 291.93 feet; thence South 43° 15' East, 49.60 feet to an iron fence post marked L.B. #1 about 1 foot above the ground; thence continuing along the fence line South 43° 15' East, 39.80 feet to a fence post marked L.B. #2; thence South 5° 05' East, 256.12 feet along the fence line to an iron fence post marked L.B. #3; thence North 84° 55' East, 17.92 feet; thence South 5° 05' East, 400.75 feet to the South line of the Ukiah Fruit Growers land and the North line of the above mentioned County Road; thence along the North line of said County Road North 88° 45' West, 358.30 feet to the point of beginning.

EXCEPTING THEREFROM: COMMENCING at a point which bears South 88° 45' East, 312.20 feet from the Southwest corner of the tract of land, conveyed by Jonas Eriksen et al, to Ukiah Fruit Growers, dated May 25, 1935, and recorded in Volume 100, Page 346, Official Records, of Mendocino County; thence South 88° 45' East 46.10 feet; thence North 5° 05' West, 400.75 feet; thence South 84° 55' West, 17.92 feet; thence North 5° 05' West, 256.12 feet; thence North 43° 15' West, 56.35 feet; thence South 5° 31' East 696.5 feet to the point of beginning.

PARCEL TWO:

COMMENCING at a point which bears South 87° 42' East 291.93 feet from the Northwest corner of the tract of land conveyed by Jonas Eriksen et al, to Ukiah Fruit Growers, dated May 25, 1935, and recorded in Volume 100, Page 346 Official Records of Mendocino County: thence South 87° 42' East 20.27 feet; thence South 5° 31' East 23.70 feet; thence North 43° 15' West 33.05 feet to point of commencement.

EXCEPTING from Parcels One and Two above the lands described as follows, located in Mendocino County California:

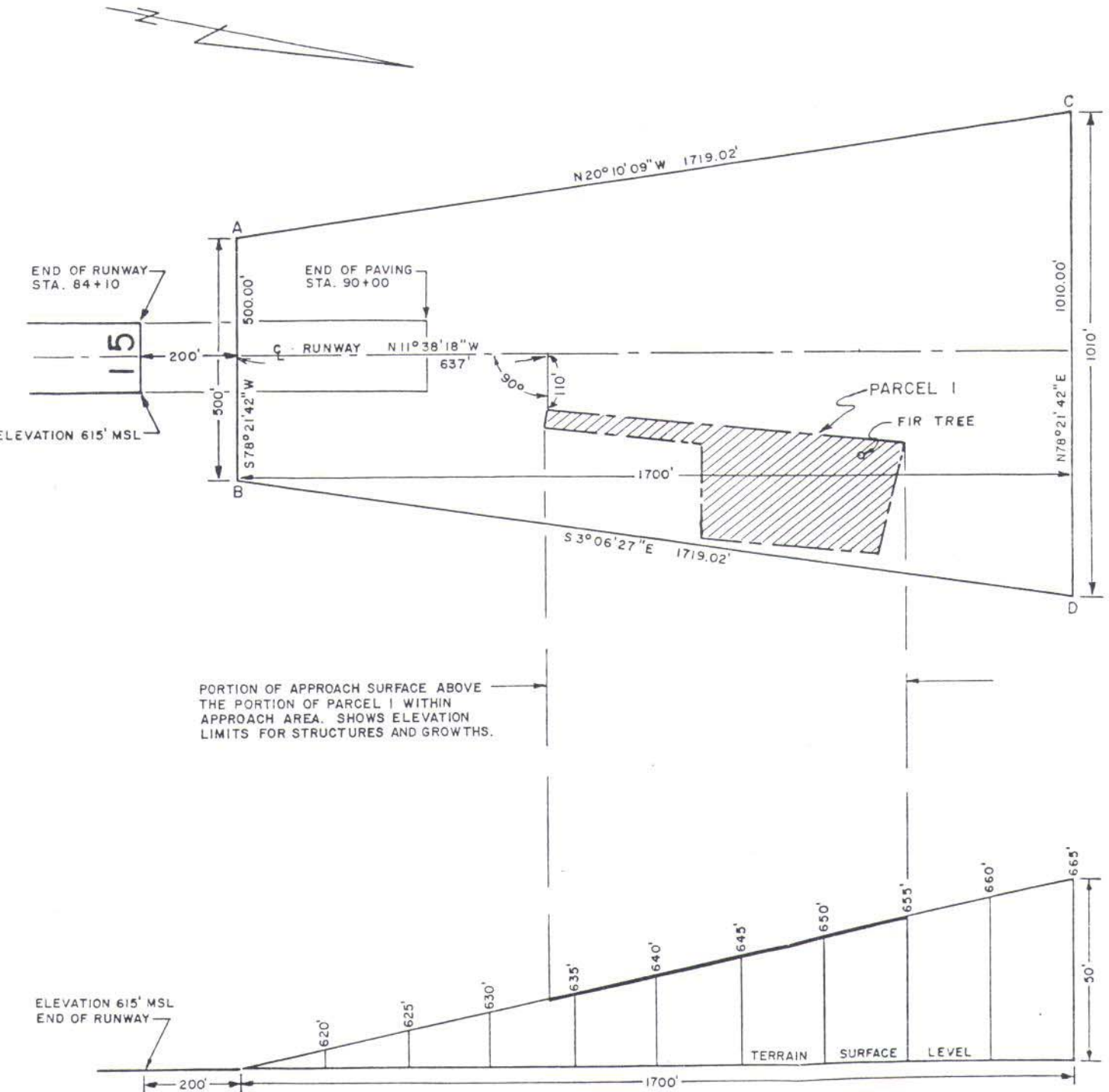
1) Commencing at the Northwest corner of that certain parcel of land from Eriksen et al to Ukiah Fruit Growers, Inc. recorded May 28, 1935, in Volume 100 at Page 346 of Official Records of Mendocino County; thence South 88° 02' 30" East, along the South line of Talmage Road 241.35 feet to and for the point of beginning of this description; thence South 5° 50" East, 358.89 feet; thence North 79° 02' 30" East, 70.25 feet; thence North 5° 50' West, 343.40 feet to the South line of Talmage Road; thence North 88° 02' 30" West, along the South line of Talmage Road 70.65 feet to the point of beginning.

(Cont'd)

(Exhibit "A" Cont'd)

2) Commencing at the Northwest corner of that certain parcel of land from Eriksen et al to Ukiah Fruit Growers Inc., recorded May 28, 1935 in Volume 100 at Page 346 of Official Records of Mendocino County; thence South  $88^{\circ} 02' 30''$  East along the South line of Talmage Road 312.00 feet; thence South  $5^{\circ} 50'$  East, 343.40 feet to and for the point of beginning of this description; thence continuing South  $5^{\circ} 50'$  East, 377.55 feet to the North line of Hastings Avenue; thence North  $89^{\circ} 21' 20''$  West, along the North line of Hastings Avenue 269.75 feet; thence North  $5^{\circ} 54' 30''$  West, 322.99 feet; thence North  $79^{\circ} 02' 30''$  East, 269.54 feet to the point of beginning.

# CLEAR ZONE APPROACH AREA AT NORTHERLY END OF NORTH-SOUTH RUNWAY UKIAH MUNICIPAL AIRPORT



### NOTES

1. SCALE: HORIZONTAL 1" = 300'; VERTICAL (ELEVATION) 1" = 40'
2. PARCEL BOUNDARY LINE
3. PORTION OF PARCEL WITHIN CLEAR ZONE APPROACH AREA SHOWN BY HATCH LINES

PARCEL # 38  
EXHIBIT "B"  
DATE: AUGUST, 1985



FROM

L.M. & PAULINE RUDDICK

TO

CITY OF UKIAH

CERTIFICATE OF ACCEPTANCE

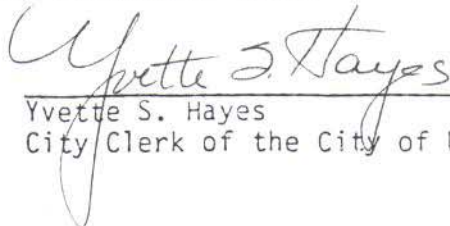
This is to certify that the interest in real property conveyed by the deed or grant dated, April 18, 1988 from L.M. & PAULINE RUDDICK to the City Council, City of Ukiah, a political corporation and /or governmental agency is hereby accepted by the undersigned officer or agent on behalf of the City Council City of Ukiah pursuant to authority conferred by Resolution of the City Council, City of Ukiah adopted on February 1, 1961, and the grantee consents to recordation thereof by its duly authorized officer.

Dated April 18, 1988

  
\_\_\_\_\_  
D. Kent Payne, City Manager

CITY BUSINESS - FREE

This is to certify that this document is presented for recordation by the City of Ukiah pursuant to Section 6103 of the Government Code.

  
\_\_\_\_\_  
Yvette S. Hayes  
City Clerk of the City of Ukiah

(SEAL AFFIXED)