

RECORDING REQUESTED BY AND
PLEASE RETURN TO:

Clerk, Board of Supervisors
for Napa County
1195 Third Street, Suite 310
Napa, California 94559

Exempt from recording fees,
Gov. Code § 27383

APN: 046-400-022

AVIGATION AND HAZARD
EASEMENT DEED

FOR GOOD AND SUFFICIENT CONSIDERATION, the receipt of which is hereby acknowledged, Victor Smith, a single man ("**Grantor**"), hereby grant to Napa County, a political subdivision of the State of California, ("**Grantee**") an easement and right-of-way (the "Easement") appurtenant to the Napa County Airport ("the Airport") for the unobstructed passage of aircraft in the airspace within those imaginary approach, transition, horizontal and conical zones, as defined and described in Chapter 11.08 of the Napa County Code and depicted on those diagrams attached hereto as Exhibits "A", "B", and "C", and incorporated by reference herein. In the event of discrepancy between Chapter 11.08 and said Exhibits, the text of the former shall govern. For the purpose of this instrument, (the "Deed") the term "aircraft" shall refer to any contrivance, by whomsoever owned or operated, which is designed or used for navigation in the air.

Said Easement extends over all of the following real property ("the Property") owned by Grantor, which is illustrated on Exhibit "D" attached hereto and incorporated by reference herein:

All that certain real property situated in the County of Napa, State of California, described as follows:

PARCEL 0046-400-022, all that real property descried in the Deed to the State of California, recorded December 13, 1977, Book 1062, Official Records of Napa County, Page 549.

COMMENCING at a point on the Eastern line of the right of way of the State Highway leading from Napa to Vallejo, where the same is intersection by the Northern line of the premises conveyed to Wm. Gouverneur Morris by Deed of record in Book J of Deeds, at Page 473, said Napa County Records, and running thence Easterly along the Northern line of said premises conveyed to Morris, 23 chains, more or less, to a post distant, and another oak tree 8 inches in diameter bears South 16½° West 0.41 chains distant; thence North 15.590

chains to a post in a mound of stones from which an oak tree 36 inches in diameter bears south $10\frac{1}{2}^{\circ}$ 4.37 chains distant, thence West 27 chains, more or less, to a post on the Eastern line of the State Highway, and thence Southeasterly along said last mentioned line to the POINT OF COMMENCEMENT.

EXCEPTING THEREFROM:

All that real property described in the Deed to the State of California, recorded December 13, 1977, Book 1062, Official Records of Napa County, Page 549.

FURTHER EXCEPTING THEREFROM: all that real property described in the Deed to Dickenson, Peatman & Fogarty, a California general partnership, Trustee under Revocable Trust Agreement dated April 1981, which Deed was recorded March 26, 1981, Page 1203, Official Records of Napa County, Page 513.

APN 046-400-022

The Property is also depicted on the Assessor's Maps in effect on the date of the execution of this Deed, a portion of which is attached as Exhibit "E". In the event of discrepancy between the foregoing description of the Property and the maps set forth in Exhibit "D" and Exhibit "E", the foregoing description shall govern.

Said Easement includes the right to cause noise, vibrations, fumes, dust, and the emission of fuel particles by the operation of aircraft in the airspace and on the ground, but shall not include the right of any aircraft to dump or otherwise release onto the Property any non-combusted fuel or other hazardous substances.

Said Easement includes the continuing right to prohibit electrical or radio interference, glare, misleading light sources, visual impairments, and other hazards to aircraft from being created on the property.

Said Easement also includes the continuing right of Grantee to prevent the erection or growth upon the Property and permit the removal of any building, structure, tree, or other object extending into the prohibited airspace to the extent and with the exceptions described in Chapter 11.12 of Title 11 of the Napa County Code, together with the right of ingress to, egress from, and passage over the Property for the purpose of exercising said rights.

Grantor hereby covenant:

1. That during the life of the Easement Grantors will not erect or permit the erection or growth of, or permit to remain upon said Property any building, structure, tree, or other object extending into said prohibited airspace, except to the extent permitted by Chapter 11.12 of Title 11 of the Napa County Code.

2. That within a reasonable time after written notice from Grantee to Grantors which specifies with particularity the interfering use, Grantors will discontinue or modify to the reasonable satisfaction of the County the use of the Property in any manner that in the reasonable opinion of the County: creates electrical interference with radio communication between any installation upon the Airport and aircraft operating in or around the Airport; interferes with the ability of the operators of such aircraft to distinguish between Airport lights and other lights; impairs visibility in the vicinity of the Airport; or otherwise endangers the landing, take off, or maneuvering of aircraft in or around the Airport.

3. That Grantor hereby fully waive and release any right to any cause of action that they have or may have in the future against Grantee arising out of noise, vibrations, fumes, dust or the emission of fuel particles that may be caused by the operation of aircraft in or around the Airport, increases in operation volume, or change in location of said operations. Furthermore, Grantee shall have no duty to avoid or mitigate such through physical modification of Airport facilities or establishment or modification of aircraft operational procedures or restrictions.

Grantor expressly reserve all rights and privileges in said Property that may be exercised and enjoyed without interference with the Easement and the foregoing covenants.

This grant of the Easement shall not operate to deprive the Grantor, their successors or assigns, of any rights which any of them may from time to time have against any carrier, private operator or Napa County in relation to negligent or unlawful operation of aircraft or the Airport.

This grant of the Easement and all rights, covenants, waivers, and reservations pertaining thereto or reserved therefrom shall run with the land and are binding upon Grantor and their heirs, executors, administrators, successors and assigns, and shall inure to the Grantee, its successors and assigns, for the use and benefit of the public until such time as the Airport shall cease to be used for public Airport purposes.

DATED this 23 day of January, 2023, 2022.

GRANTORS:

By:


VICTOR SMITH JR.

NOTARIZATIONS

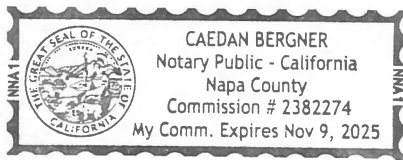
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On 01/23/2023 before me, Caedan Bergner, Notary Public, personally appeared Victor Smith Jr.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Caedan Bergner
Notary Public

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On _____ before me, _____, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

APN 049-400-022

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by that certain AVIGATION AND HAZARD EASEMENT DEED dated _____, 2022, from, a California limited liability company, to NAPA COUNTY, a political subdivision of the State of California, is hereby accepted by order of the Board of Supervisors of said Napa County on _____, 2019, and Grantee consents to recordation thereof by its duly authorized officer.

Dated _____, ____

~~RYAN GREGORY~~, Chair of the Board of Supervisors

Belia Ramos

APPROVED AS TO FORM Office of County Counsel By: <u>/s/ Wendy M. Dau</u> Deputy County Counsel Date: October 28, 2022	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By _____
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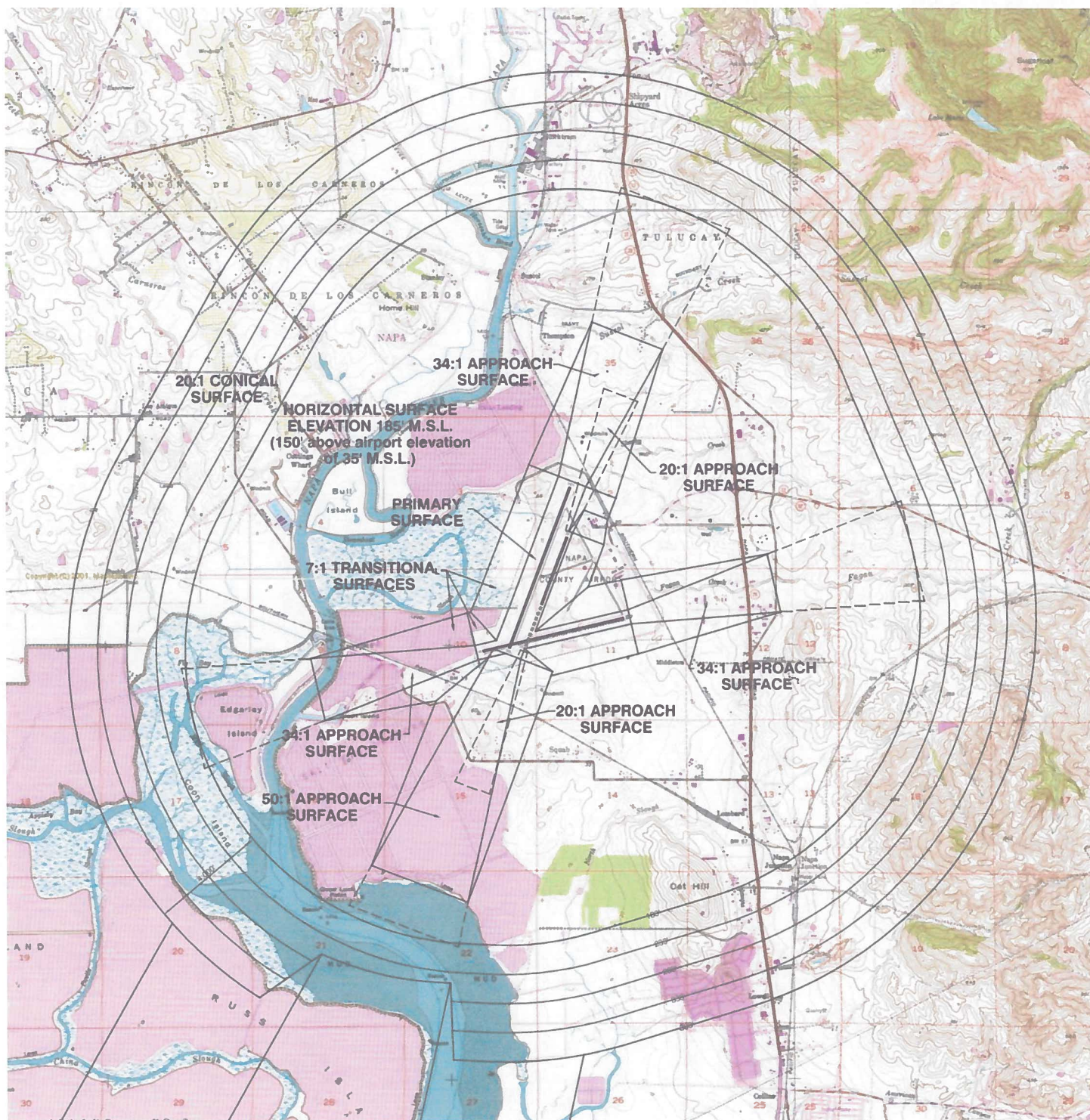
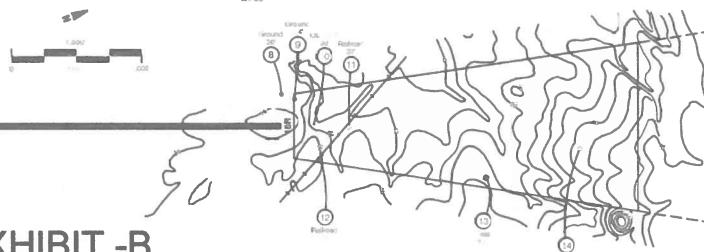
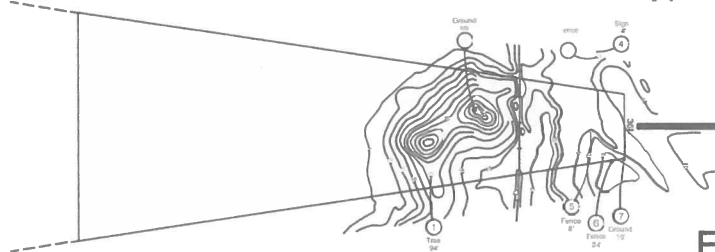
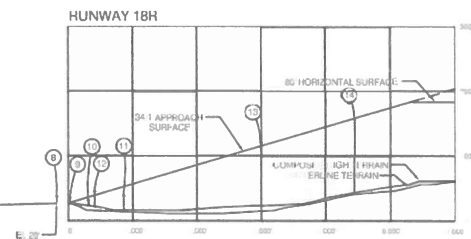
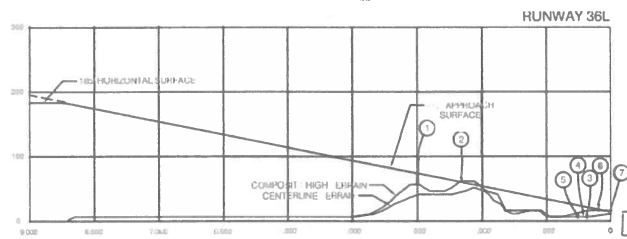
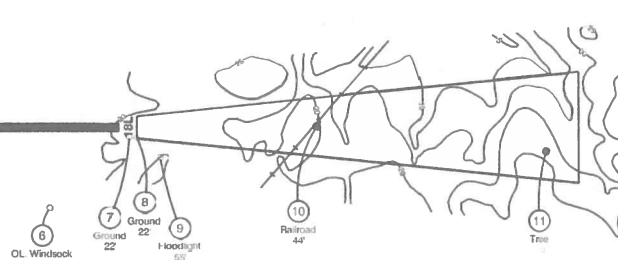
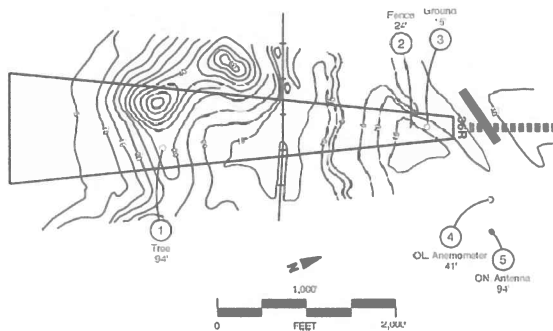
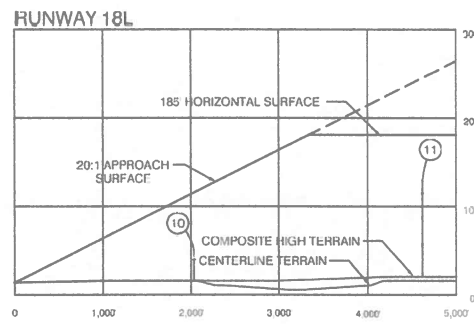
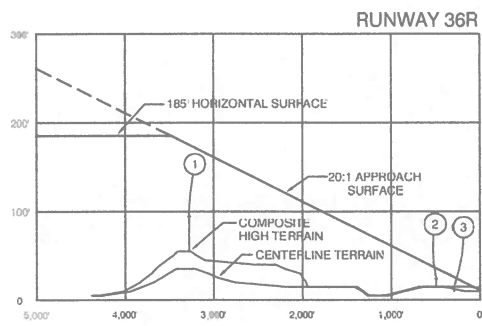
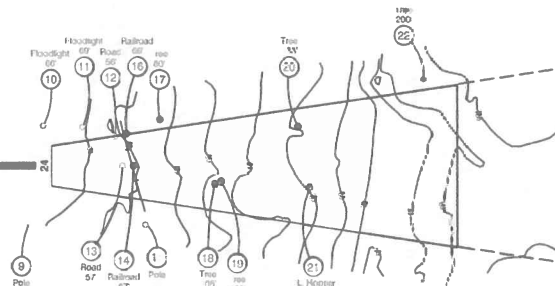
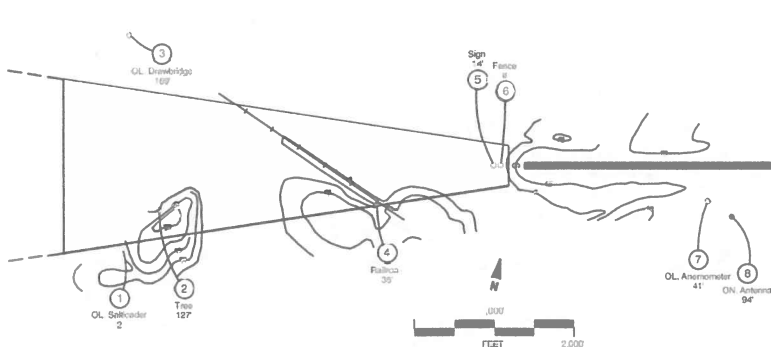
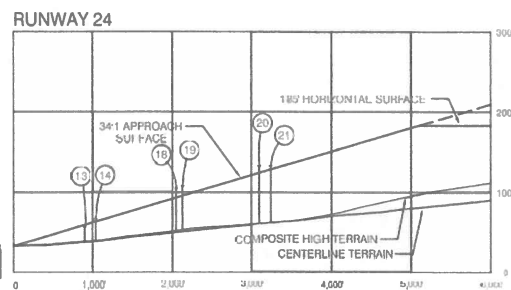
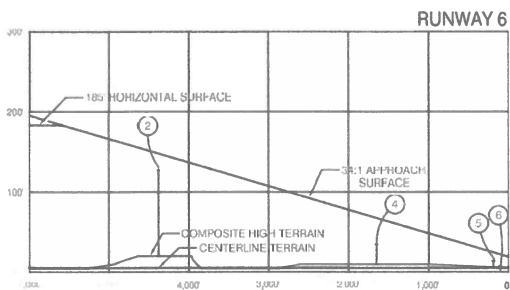


EXHIBIT - A NAPA COUNTY AIRPORT NAPA, CALIFORNIA

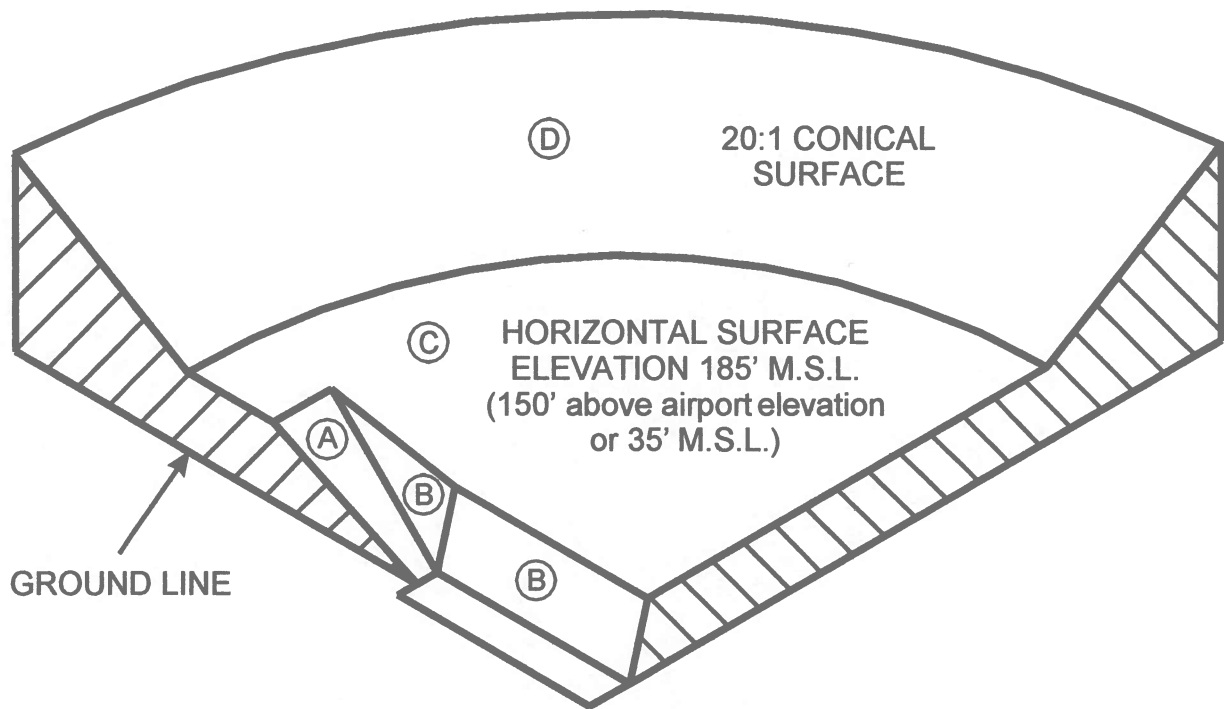
AIRSPACE PLAN

BY: _____



**EXHIBIT -B
NAPA COUNTY AIRPORT
NAPA, CALIFORNIA**

APPROACH SURFACE DETAIL



NO SCALE

- A - PRECISION INSTRUMENT APPROACH ZONE - SLOPE 50:1
NON-PRECISION INSTRUMENT APPROACH ZONE - SLOPE 34:1
- B - TRANSITION ZONES - SLOPE 7:1 - EXTENDS 5,000' FROM EDGE OF OUTER SECTION
- C - HORIZONTAL ZONE EXTENDS 10,000' FROM END OF RUNWAYS
- D - CONICAL ZONE EXTENDS 4,000' FROM EDGE OF HORIZONTAL ZONE

EXHIBIT - C

ISOMETRIC VIEW OF AIRPORT SAFETY ZONES

DEED NOTICE (Overflight Notification)

This Deed Notice of Overflight Notification is made this 27 day of January, 2023, by Napa County Airport, concerning real property situated in Napa County, State of California, described as 101 Anderson Rd, Napa Ca 94558 [APN] 046-400-022.

The *Napa County Airport Land Use Compatibility Plan (ALUCP)* and County of Napa Ordinance (Ordinance No. 1242) identify a County of Napa Airport Influence Area. Properties within the ALUCP Zone C area are routinely subject to low level overflights by aircraft using this public- use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California.

Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to Napa County population and economic growth.

The *Federal Aviation Administration (FAA)* has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Napa County Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic.

The Airport Operator, The County of Napa, maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport-specific operational issues including hours of operation.

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

This *Overflight Notification* shall run with any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form and be properly executed by the acquirer and shall be binding upon all parties having or acquiring any right, title, or interest in the Property.

DATED this 27 day of January, 2023.

GRANTOR:

By:



VICTOR SMITH

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

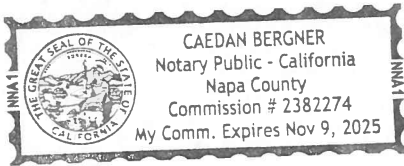
STATE OF CALIFORNIA)

COUNTY OF NAPA) ss.

On Jan 27 2023 before me, Caedan Bergner, Notary Public, personally appeared Victor Smith Jr., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Caedan Bergner

Notary Public