

THE CITY OF AMARILLO, TEXAS
Final Distribution Memorandum

Planning Department, City of Amarillo, Texas
P.O. Box 1971, Amarillo, Texas 79105-1971
April 22, 2010

TO: Final Distribution List

FROM: Planning Department

SUBJECT: ACZ-10-02 Aviation Clear Zone Easement, being 4550 feet above mean sea level, above the plat of Raef Acres Unit No. 1, a suburban subdivision to the City of Amarillo, in Section 4, Block 2, AB&M Survey, Potter County, Texas. (P-10-14)
GRANTORS: Tisha and Steven Batis

The Amarillo City Commission at its meeting of April 6, 2010, approved the above referenced aviation clear zone easement. The instrument was filed of record in Official Public Records Potter County in Volume 4207, Pages 11-13. Copies of the instrument and vicinity sketch are attached. Please post your records accordingly.



Kelley Shaw, Planning Director

03/01/10 MWN _____

01171403

AVIATION CLEAR ZONE EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF POTTER §

WHEREAS, Tisha Batis and Steven Batis, hereinafter collectively referred to as "GRANTOR," whether one or more, individual or corporate, partnership or association, is the owner in fee of that certain parcel or parcels of land being described as follows:

Raef Acres Unit No. 1, a suburban subdivision to the City of Amarillo, being an unplatted tract of land in Section 4, Block 2, AB&M Survey, Potter County, Texas.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR does for itself, its successors and assigns, GRANT, BARGAIN, SELL AND CONVEY unto the City of Amarillo, Texas, hereinafter referred to as GRANTEE, its successors and assigns, for the use and benefit of the public, an easement and right-of-way appurtenant to Amarillo International Airport for the unobstructed passage of all aircraft, "aircraft" being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, by whomsoever owned or operated, in the airspace above GRANTOR'S above-described property, together with the right to cause in all airspace such noise, vibration, fumes, dust, fuel particulates and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at, on, over the above described property; and GRANTOR, its successors, executors, heirs or assigns, does hereby fully waive, remise and release any right, cause of action, and damages of every kind for loss or damage to property, personal injury or death, attorney fees, costs, and interest which grantor may now have or which it may have in the future against GRANTEE, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particulates and all other effects that may be caused or may have been caused by the operation or failure of operation of aircraft landing at, or taking off from, or operating near or on Amarillo International Airport or over the described property.

GRANTOR, for itself, heirs, beneficiaries, successors and assigns, does hereby covenant and agree that it will not hereafter erect, or permit the erection or growth of, any structure, tree or other object on the above described property to any height in excess of 4550 feet above mean sea level. GRANTOR does hereby GRANT and CONVEY to GRANTEE a continuing right of ingress and egress via passage easement on and across the above-described property for the purpose of taking any action necessary to remove any structure, tree or other object in the airspace to any elevation greater than 4550 feet above mean sea level.

TO HAVE AND TO HOLD said aviation clear zone easement, passage easement, and rights-of-way, and all rights appertaining thereto unto the GRANTEE, its successors and assigns,

until Amarillo International 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, beneficiaries, administrators, executors, successors and assigns of the GRANTOR and that these covenants and agreements shall run with the land, and that for the purposes of this instrument, this easement shall be considered the dominant estate on the above-referenced property.

IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 1st day of March, 2010.

GRANTOR
Tisha Batis
Tisha Batis

THE STATE OF TEXAS §
COUNTY OF Randall §

This instrument was acknowledged before me on this the 1st day of March, 2010, by Tisha Batis.

Notary Laura D. Rex


GRANTOR
Steven Batis
Steven Batis

THE STATE OF TEXAS §
COUNTY OF Randall §

This instrument was acknowledged before me on this the 1st day of March, 2010, by Steven Batis.

Notary Laura D. Rex


COUNTY CLERK'S MEMO
Portions of this document not legible and/or reproducible when received for recording

Return to:
DONNA DeRIGHT
City Secretary, City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

Filed AND Recorded
OFFICIAL PUBLIC RECORDS
On: Apr 12, 2010 at 08:30A

Receipt# - 142324

Document Number 01171403:

Amount 20.00

Julie Smith
County Clerk, Potter County

by  Deputy

STATE OF TEXAS COUNTY OF POTTER
I hereby certify that this instrument was
FILED on this date and at this time stamped
hereon by me and was duly RECORDED in the
OFFICIAL PUBLIC RECORDS OF POTTER COUNTY TEXAS,
in the volume and page as shown.



Julie Smith, County Clerk
Potter County

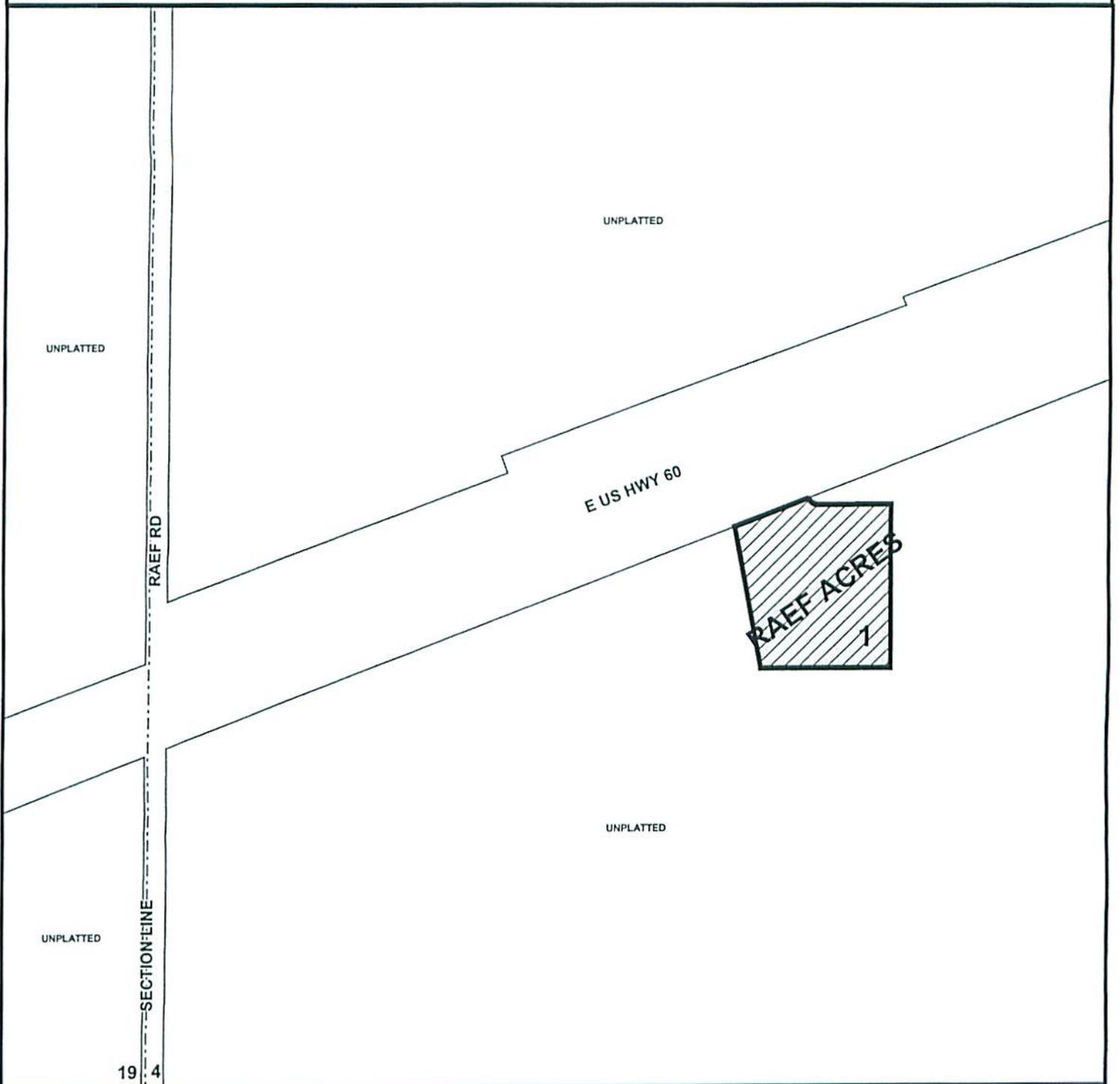
By  Deputy

Any provision herein which restricts the sale,
rental or use of the described real property
because of color or race is invalid and
unenforceable under federal law.

COUNTY CLERK'S MEMO

Portions of this document may
not be legible and/or reproducible
when received for recording.

AVIATION CLEAR ZONE EASEMENT



**CITY OF AMARILLO
PLANNING DEPARTMENT**

Aviation Clear Zone Easement, being 4550' MSL
above the plat of Raef Acres Unit #1 in Section 4,
Block 2, AB&M Survey, Potter County, TX

Developer: Steven & Tisha Batis

Vicinity: E US Hwy 60 & Raef Rd.

Scale: 1" = 400'
Date: 2-24-10
Case No: ACZ-10-02



AP#: Z-8

THE CITY OF AMARILLO, TEXAS

Interdepartmental Memorandum

March 31, 2010

TO: Alan M. Taylor, City Manager
FROM: Kathleen Collins, Planner I
THRU: Cris Valverde, Senior Planner *CV*
SUBJECT: ACZ-10-02 Aviation Clear Zone Easement, being 4550' MSL above the plat of Raef Acres Unit No. 1, in Section 4, Block 2, AB&M Survey, Potter County, Texas.

The above referenced aviation clear zone easement is being granted to the City of Amarillo at no cost by Tisha and Steven Batis.

The Legal Department has reviewed the instrument and this item is ready for City Commission approval.

Approved
4/1/10
4/6/10

ACZ CHECKLIST

SUBMITTED	REVISED	OKAY	DATE	ACZ CHECKLIST	DEADLINE
			02/18/10	INITIAL APPLICATION	
LEGAL DESCRIPTION:					
ACZ <u>10-02</u> Aviation Clear Zone Easement being <u>4550</u> feet above mean sea level above the plat of <u>RAEF ACRES UNIT NO. 1</u> an addition to the City of Amarillo, in Section <u>4</u> , Block <u>2</u> , <u>ABOM</u> Survey, <u>POTTER</u> County, Texas. (P- <u>10-14</u>).					
			02/18/10	CASE LEDGER	
			✓	FILE LABELS	
			✓	FILE TO JR FOR SKETCH (w/ ASSOCIATED PLAT NUMBER)	
			✓	SKETCH STARTED	
			✓	FILE AND SKETCH TO PLANNER	
			✓	PLANNER APPROVE SKETCH	
			✓	MEMO FOR CITY ATTORNEY	
				RETURNED WITH CITY ATTORNEY COMMENTS	
				MEMO FOR CITY COMMISSION	
			04/22/10 ✓	FILE RETURNED WITH ORDINANCE OR DENIAL	
			04/22/10 ✓	ENTER APP INFO IN CASE LEDGER	
			04/22/10	PREPARE FINAL DISTRIBUTION MEMO	
				PLANNING DIRECTOR SIGNATURE	
				RETURN FILE TO KW	
				SCAN DOCUMENTS (PDF)	
				SAVE TO M:/PLANNING/WEBUPDATE	
				SAVE TO FTP SITE	
				SAVE TO HUMMINGBIRD	
				HB PROFILE #	
				GRANTOR ADDRESS:	
				<u>STEPHEN + TISHA BATES</u>	COPY TO GRANTOR
				<u>13105 CISCO DR.</u>	
				<u>79111</u>	
				EMAIL TO IT TO POST TO WEB	
				CHECK THE WEB POSTING	
				EMAIL DIST LIST ONCE FILE IS POSTED TO WEB	
ASSOCIATED PLAT#:			<u>P-10-14</u>	FILE	
PLAT NAME:			<u>RAEF ACRES UNIT NO. 1</u>		