

**THE CITY OF AMARILLO, TEXAS
Final Distribution Memorandum**

Planning Department, City of Amarillo, Texas
P.O. Box 1971, Amarillo, Texas 79105-1971
March 21, 2011

TO: Final Distribution List

FROM: Planning Department

SUBJECT: ACZ-09-07 Aviation Clear Zone Easement, being 3755' MSL above the plat of Sunrise Park Unit No. 10, in Section 106, Block 2, AB&M Survey, Potter County, Texas. ((Vicinity: IH 40 East & Sunrise Dr.))
GRANTOR: John Miller

The Amarillo City Commission at its meeting of March 1, 2011, approved the above referenced aviation clear zone easement. The instrument was filed of record in Official Public Records Potter County Vol 4300, Page 792-795 on March 7, 2011. Copies of the instrument and vicinity sketch are attached. Please post your records accordingly



Kelley Shaw, Planning Director

09/04/09 MWN _____

01191269

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, John Miller, President of WesTex Document, Inc., hereinafter called "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:

Sunrise Park Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land situated in Section 106, 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 called GRANTEE, its successors and assigned, 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 3755 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 3755 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 1 day of April, ~~2009~~ 2010

GRANTOR
WesTex Document, Inc.

By: [Signature]
John Miller, President



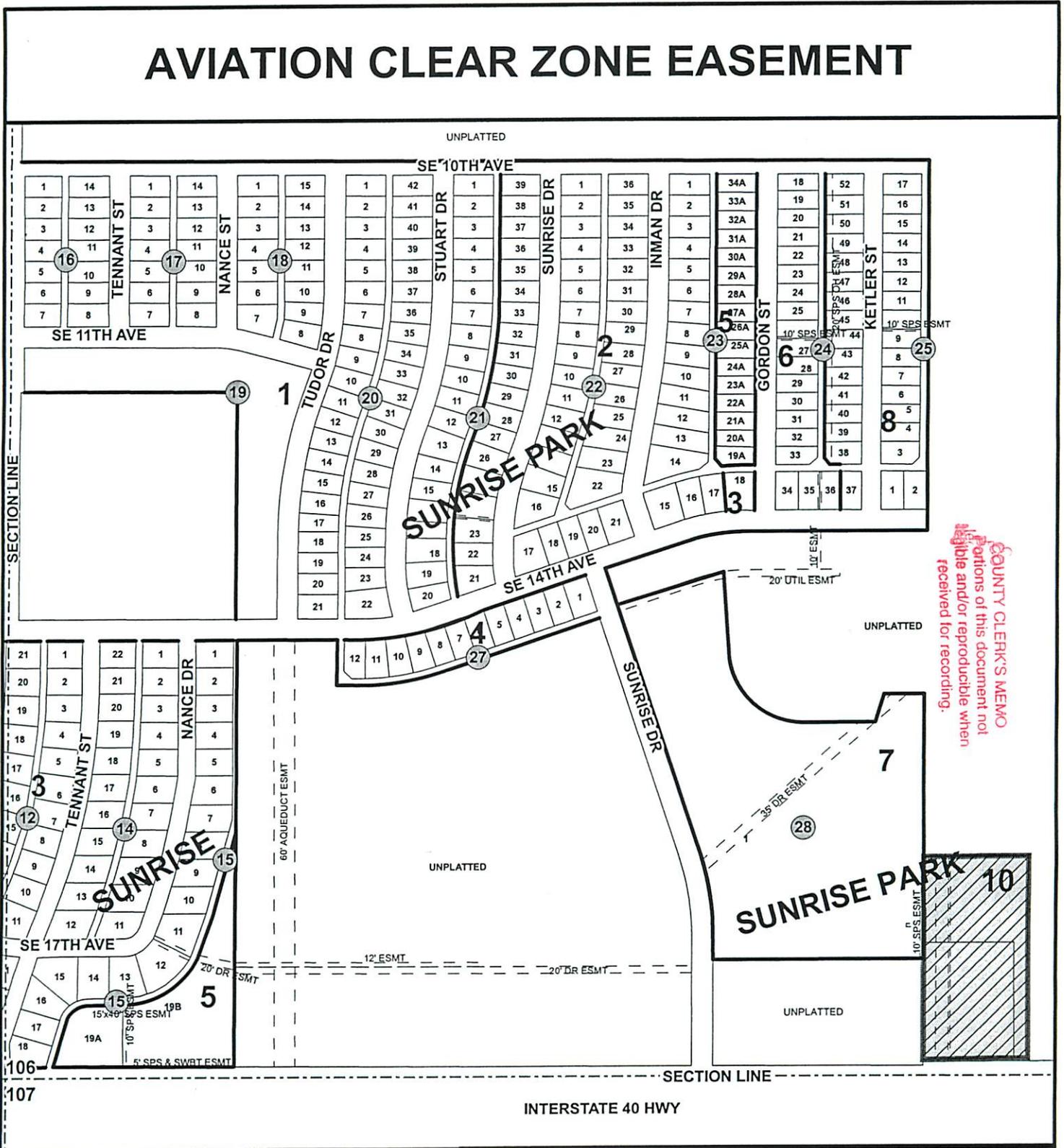
THE STATE OF TEXAS §
COUNTY OF Lubbock §

This instrument was acknowledged before me on this the 1ST day of April, ~~2009~~ 2010, by John Miller, President of WesTex Document, Inc.

[Signature]
Notary Public, State of Texas

COUNTY CLERK'S MEMO
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received for recording.

AVIATION CLEAR ZONE EASEMENT



COUNTY CLERK'S MEMO
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**CITY OF AMARILLO
 PLANNING DEPARTMENT**

Aviation Clear Zone Easement, being 3755' MSL
 above the plat of Sunrise Park Unit #10 in Section
 106, Block 2, AB&M Survey, Potter County, TX

Developer: John Miller

Vicinity: I-40 East & Sunrise Dr.

AP#: R-12

Scale: 1" = 400'
 Date: 9-2-09
 Case No: ACZ-09-07



Kc

Filed AND Recorded
OFFICIAL PUBLIC RECORDS
On: Mar 07, 2011 at 08:20A

Receipt# - 154706

Document Number 01191269:

Amount 24.00

Julie Smith
County Clerk, Potter County

by JCB 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 [Signature] 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

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Ret to City Secretary
City of Amarillo
Box 1971
Amarillo, TX 79105