

AVIGATION EASEMENT

G. Elmer Flynn, Mary Flynn, Frances McQuade, Clarence S. Sinclair Trust and Patricia Sinclair, hereinafter called "Grantors", which shall also mean Grantors and the successors in interest and assigns of Grantors, being the owner of the real property (hereinafter called "Grantors' property") situated in Missoula County, State of Montana, described as follows:

Tracts 4, 5, 6, 7, 8, 9 and 10 of Certificate of Survey No. 3176, located in Section 12, Township 13 North, Range 20 West, Principal Meridian, Montana.

for and in consideration of the sum of One and No/100 Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, hereby grant to the Missoula County Airport Authority ("Authority"),

1. An assignable easement and right-of-way, for the use and benefit of the public, for the free and unobstructed passage of aircraft in, through, and across all of the airspace 70 to 150 feet above grantors' property as more particularly set forth in the exhibits that are attached and commonly known as Exhibit C-1 from the Airport Master Plan dated May 1986 and Part 77, F.A.A. regulations.
2. The right of flight for the passage of aircraft for the use and benefit of the public in the airspace above the Grantors' property, together with the continuing right to cause in said airspace such noise, vibration, dust, fumes, smoke, vapor, and other effects as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in air, using said airspace, or landing at, taking off from, or operating on Missoula International Airport.
3. Grantors' full waiver and release of any right or cause of action which they or any of them now have or may have in the future against the Authority, its successors and assigns, on account of or arising out of such noise, vibration, dust, fumes, smoke, vapor, and other effects heretofore and hereafter caused by the operation of aircraft in said airspace provided, however, the Grantors do not waive or release any right or cause of action as to others which they have, may acquire or which may inure to the benefit of their successors in interest as to noise levels caused by aircraft use as are in excess of Federal Aviation Administration Regulation guidelines.
4. The covenant and agreement that from and after the execution

of this document, Grantors shall not put the Grantors' property to any of the following uses which would:

- (a) Create unreasonable interference with (1) radio communication for aircraft using the airport and (2) electronic navigational aids or devices such as instrument landing systems. Generators, motors, and artificial lighting devices which create excessive static are examples of equipment that can cause interference.
- (b) Create a hazard to flying by materially reducing visibility, such as incinerators, rock crushers, smelters, chemical manufacturing, and similar uses.
- (c) Make it difficult for fliers to distinguish between airport and other navigational lights or markers and other lights; or cause glare to fliers using the airport, such as any arrangement and use of lights which resemble layout or color of a landing area, or search lights or flash-type advertising signs.
- (d) Result in any business, structure, tree, occupation or use which is dangerous or hazardous to the safety of aircraft using Missoula International Airport or to property or persons using Missoula International Airport or flying in the vicinity thereof. Towers, poles, smokestacks, advertising balloons, above-ground bulk storage of petroleum products, and fireworks manufacturing are examples of potentially dangerous uses, structures, and activities.
- (e) Nothing herein shall otherwise restrict or limit the Grantors future use, occupancy or development of the property above described.

It being understood and agreed that the aforesaid covenants, conditions, and restrictions shall run with the land and shall be binding upon the successors and assigns of all of the parties signing below.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year written below.

DATED this 24th day of March, 1992.

GRANTORS:

G. Elmer Flynn
G. Elmer Flynn

Frances McQuade
Frances McQuade

Mary Flynn
Mary Flynn

Patricia Sinclair
Patricia Sinclair, individually
and Trustee of the Clarence S.
Sinclair Trust

AUTHORITY:

MISSOULA COUNTY AIRPORT AUTHORITY

By Gene K. Sullivan
Gene K. Sullivan, Chairman

[Signature]
Secretary

STATE OF MONTANA)
County of Missoula) ss.

On this 31st day of August, 1992, before me, a notary public in and for said state, personally appeared G. Elmer Flynn and Mary Flynn known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Wendy Owens
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-93

STATE OF MT)
County of Missoula) ss.

On this 31st day of August, 1992, before me, a notary public in and for said state, personally appeared Frances McQuade and Patricia Sinclair, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

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STATE OF MONTANA)

County of Missoula)

Wendy Owens
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-93

On this 13th day of April, 1992, before me, a notary public in and for said state, personally appeared Zane K. Sullivan known to me be the Chairman of the Board of Directors of the Missoula County Airport Authority, and the person who executed this easement on behalf of said Authority, and acknowledged to me that such Authority executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



LeCivda R. Williams
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-94

STATE OF MONTANA)

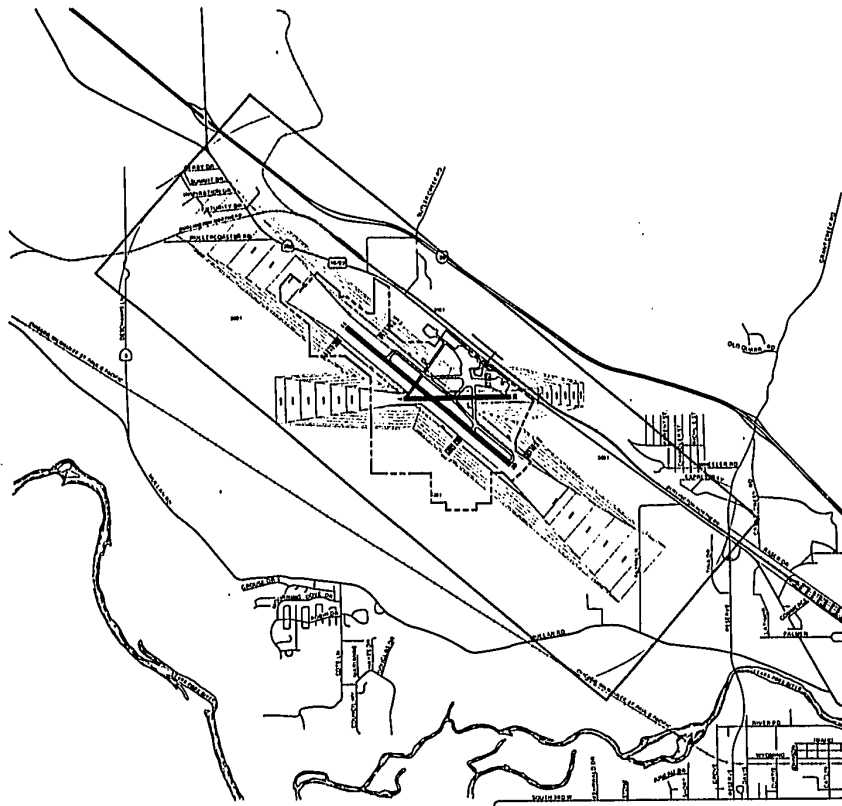
County of Missoula) ss.

On the 13th day of April, 1992, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jack Meyer, known to me to be the Secretary of the Missoula County Airport Authority and the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.



LeCivda R. Williams
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-94



3300 No Structures or Objects of Natural Growth Permitted Above Stated Elevation in Feet Above Mean Sea Level

□ No Development

----- Airport Areas of Influence

C-1

Exhibit

Master Plan and Noise Compatibility Program - Johnson-Bell Field
Missoula County Airport Authority

Airport Info

ht and Hazard Limitation Zones



PEAT MARWICK

May 1986

