

WHEREAS, the attached avigation easement and release instrument has been volunteered in conjunction with a request for a change of zoning to an MF-2 Multiple Family District on property at the northeast corner of Adrian Drive and Lemmon Avenue which was approved by the City Council on March 28, 1984 in conjunction with the Zoning File #Z834-152/6357-N; and,

WHEREAS, said instrument has been approved as to form and content.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the attached avigation easement and release instrument be and is hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned an MF-2 Multiple Family District as described in Ordinance **18239**

Section 2. That said instrument shall be filed with the County Clerk of Dallas County, Texas, to be recorded in the deed records of Dallas County, Texas.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

cc: Planning and Development - 2  
Building Inspection - 2

Approved as to form:  
ANALESIE MUNCY, City Attorney

By Edward H. Perry  
Assistant City Attorney

APPROVED BY  
CITY COUNCIL

APR 25 1984

*Walter B. Starn*  
City Secretary

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY AUDITOR

APPROVED

CITY MANAGER

*Gregory R. Smith*

AVIGATION EASEMENT AND RELEASE

THE STATE OF TEXAS §

COUNTY OF DALLAS §

4500

5.00 DEED  
2 04/30/84

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Curtis-Newman Company, a Texas general partnership composed of W. D. Curtis and James B. Newman, hereinafter called "Owner" (whether one or more), is the owner of those certain parcels of land situated in the City of Dallas, Dallas County, Texas, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes;

NOW, THEREFORE, in consideration of the sum of ONE AND 00/100 (\$1.00) DOLLAR, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, Owner does hereby grant, sell and convey an Avigation Easement for free and unobstructed passage of aircraft through the airspace above said described property, unto the City of Dallas, Texas, its successors and assigns, hereinafter called "City", for the use and benefit of the public and its agencies, to have and to hold such Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, and Owner does bind himself, his successors, heirs, executors and assigns, to forever warrant and defend all and singular the said rights granted herein unto the said City, its successors and assigns, against every person whomsoever lawfully claiming or who might hereafter claim the same or any part thereof.

As an appurtenance to this grant, Owner does hereby waive, release, remise, quitclaim and forever hold harmless the said City, its successors and assigns, from any and all claims for damages of any kind that Owner may now have or hereinafter have by reason of the passage of any and all aircraft ("aircraft" being defined 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 over the Owner's property, above a level measured from a height of the greater of: (i) forty-eight (48) feet above the highest point of surface of the property or (ii) a Mean Sea Level of 590 feet, to an infinite height above same. Such release shall include, but not be limited to, any damages to Owner's property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects from the operation of aircraft flight over said property, or landing at, or taking off from, or operating at or on the Dallas Love Field Airport, whether such claim be for injury or death to person or persons or damage to or taking of property.

0620  
58048

The Owner further agrees that it will obtain from each lessee of the premises a similar waiver, release, remise and quitclaim in favor of and for the benefit of the City of Dallas.

The easement, rights and privileges herein granted shall be for as long as Grantee or its assigns shall operate Dallas Love Field.

This release shall be binding upon Owner, his successors, heirs, executors, administrators and assigns, and shall be a covenant running with the land, same to be recorded in the Deed records of Dallas County, Texas.

Executed this 10<sup>th</sup> day of April, A.D. 1984.

Curtis-Newman Company

BY: W. D. Curtis  
W. D. CURTIS, Partner  
Curtis-Newman Company

BY: James B. Newman  
JAMES B. NEWMAN, Partner  
Curtis-Newman Company

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE me, the undersigned authority on this day personally appeared W. D. Curtis and James B. Newman, members of the partnership firm of Curtis-Newman Company, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same as the act of Curtis-Newman Company, a partnership, for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN, under my hand and seal of office, this 10<sup>th</sup> day of April, 1984.

My Commission Expires:  
March 23, 1985.

Nolly S. Bailie  
NOTARY PUBLIC IN AND FOR  
STATE OF TEXAS


Approved as to form:  
ANALES LIE MUNCY, City Attorney

By Edward H. Perry  
Assistant City Attorney

2290 58 FILED

*Eap Burck*  
COUNTY CLERK  
DALLAS COUNTY

84 APR 27 AM 9:15

STATE OF TEXAS  
 I hereby certify that this instrument was filed on the  
 date and time stamped hereon by me and was duly re-  
 corded in the volume and page of the named records  
 of Dallas County, Texas as stamped hereon by me.  
 COUNTY OF DALLAS  
 APR 30 1984  
  
*Eap Burck*  
 COUNTY CLERK, Dallas County, Texas

No. 84-1450  
 Return to City Secretary  
 City Hall  
 Dallas, Texas 75201

**Received**  
 APR 11 1984  
 ZONING & DEVELOPMENT  
 ADMINISTRATION