

EASEMENT DEED

THIS DEED, Made and entered into this 10th day of MAY 1983, by and between Joseph C. Stockemer (also known as Joe C. Stockemer) and Emma E. Stockemer, Husband and Wife, of the County of Sedgwick, State of Kansas, Parties of the First Part, hereinafter called the Grantors, and the UNITED STATES OF AMERICA, acting by and through the Administrator, Federal Aviation Administration, Central Region, Party of the Second Part, hereinafter called the Government, whose address is Federal Building, 601 East 12th Street, Kansas City, Missouri 64106.

Witnesseth, that the said Grantors for and in consideration of the sum of Sixty Thousand Dollars (\$60,000) paid by the Government, receipt of which is hereby acknowledged, do by these presents GRANT, BARGAIN AND SELL, CONVEY and CONFIRM unto the Government, Easements for the following purposes:

1. Site and access road for the erection, construction, reconstruction, replacement, removal, maintenance, repair, and operation of a Very High Frequency Omni and Tactical Air Navigation (VORTAC) Facility, or any other type of air navigation facility, and all appurtenances thereto, on, over, under and across the following described real property in Sedgwick County, Kansas:

A tract of land generally located in the Northwest Quarter of Section 31, Township 26 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

From the Northwest corner of said Northwest Quarter; thence Easterly, on the North line of said Northwest Quarter, on an assumed bearing of N 88° 59' 15" E, a distance of 1620.25 feet to the POINT OF BEGINNING; thence S 00° 00' 00" W, parallel with the West line of said Northwest Quarter, a distance of 1698.63 feet; thence S 90° 00' 00" W, a distance of 55.00 feet; thence S 00° 00' 00" W, a distance of 120.00 feet; thence N 90° 00' 00" E, a distance of 120.00 feet; thence N 00° 00' 00" E, a distance of 120.00 feet; thence S 90° 00' 00" W, a distance of 30.00 feet; thence N 00° 00' 00" E, a distance of 1699.25 feet; thence S 88° 59' 15" W, a distance of 35.01 feet to the POINT OF BEGINNING. Said tract containing 1.736 acres more or less, subject to covenants, conditions, and restrictions of record.

The Government agrees that all electric power, telecommunication facilities, and all other utilities serving the premises, other than such contained within the 120' x 120' VORTAC site, shall be buried below the ground to a depth of at least 2 feet.

The Government agrees to remedy any water drainage problems created by the erection of the VORTAC or road thereto.

The Grantors shall have the right to use the access road to the VORTAC for ingress to and egress from their adjacent lands.

2. Restrictive easement for a "clear zone" on, over, and across the following described property, subject to the restrictions and reservations set forth herein. The property is more particularly described as follows:

A tract of land generally located in the Northwest Quarter of Section 31, Township 26 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

From the Northwest corner of said Northwest Quarter; thence Easterly, on the North line of said Northwest Quarter, on an assumed bearing of N 88° 59' 15" E, 1655.26 feet; thence S 00° 00' 00" E, 759.70 feet to the POINT OF BEGINNING; thence Southeasterly on a curve having a radius of 1000.00 feet, a central angle of 44° 27' 01" and a chord bearing and distance of S 66° 03' 21" E, 756.49 feet, a distance of 775.80 feet to the East line of said Northwest Quarter; thence Southerly, on the East line of said Northwest Quarter, S 04° 11' 00" E, 1276.12 feet to the point of curvature of a curve to the right; thence along said curve, having a radius of 1000.00 feet, a central angle of 21° 13' 15" and a chord bearing and distance of S 46° 04' 28" W, 368.26 feet, a distance of 370.37 feet to the South line of said Northwest Quarter; thence Westerly, on the South line of said Northwest Quarter,

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S 89° 40' 31" W, 1089.00 feet to the point of curvature of a curve to the right; thence along said curve, having a radius of 1000.00 feet, a central angle of 147° 02' 52" and a chord bearing and distance of N 16° 11' 23" E, 1917.88 feet, a distance of 2566.47 feet; thence S 00° 00' 00" W, 939.99 feet; thence N 90° 00' 00" W, 55.00 feet; thence S 00° 00' 00" W, 120.00 feet; thence N 90° 00' 00" E, 120.00 feet; thence N 00° 00' 00" E, 120.00 feet; thence N 90° 00' 00" W, 30.00 feet; thence N 00° 00' 00" E, 939.55 feet to the POINT OF BEGINNING. Said tract containing 63.69 acres more or less.

The grant is subject to the following restrictions and reservations:

Grantors agree:

- (1) To limit the use of the underlying surface to the raising of livestock and the growing of normal agricultural crops. This limitation applies to the type of use, not to the amount of use.
- (2) Not to erect, or allow to be erected, any structures, buildings, towers, fences, or other obstructions without prior written consent from the Government.
- (3) Not to erect, install, or operate, or allow to be erected, installed, or operated, any type of irrigation system, excepting the ground level gravity type, without prior written consent from the Government.
- (4) To grant the Government the right to replace existing metal fencing with wood fencing in the area underlying the hereinabove described easement (said wood fencing to be maintained by the Government at no cost to the Vendors), together with the continuous right to enter upon said premises for the purpose of removing, topping, or trimming trees or other natural growth which exceed 8 feet in height. The Government will remove all toppings, trimmings, etc., and restore surfaces damaged in such operation to original condition.

The Grantors reserve the right to use and operate farm equipment and machinery on, over, and across the surface of said easement; however, Grantors agree that such farm equipment and machinery will not be parked, placed, and/or left unattended within the easement area.

In the event the Government shall decommission the VORTAC, or any other type of air navigation facility located on said property in replacement of the VORTAC, then these easements shall terminate and all rights under them shall revert to the Grantors, their heirs or assigns.

The Government shall, within 90 days after such termination, or within such additional time as may be agreed upon, restore the premises to as good condition as that existing at the time of the Government's initial entry upon the premises, except as to damage caused by natural elements and by circumstances over which the Government has no control.

The Grantors agree to grant and convey to the Government the hereinabove described easements subject to only the following outstanding rights in third parties:

50-foot-wide pipeline easement to Cities Service Company

Electric utility easement to Sedgwick County Electric Cooperative Association, Inc.

30-foot section line road

Existing oil and gas lease and all interest in oil and gas royalty. The Grantors agree, insofar as the property to which this deed is applicable, that all outstanding oil and gas leases or grants of interest in oil and gas royalty shall not be renewed or extended when those now in effect expire.

To Have and to Hold the said Easements, together with all rights and appurtenances to the same belonging, unto the Government and to its successors and assigns.

In Witness Whereof, the said Grantors have executed these presents the day and year first above written.

Joseph C. Stockemer
Joseph C. Stockemer
a/k/a Joe C. Stockemer

Emma E. Stockemer
Emma E. Stockemer

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS.

On this 16 day of May, 1933, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Joseph C. Stockemer a/k/a Joe C. Stockemer to me ~~and Emma E. Stockemer, his wife~~ known to be the identical person s who executed the foregoing instrument and acknowledged to me that they executed the same as ~~their~~ free and voluntary act and deed for the use and purpose therein set forth.

WITNESS my hand and seal this year and day last above written.

My commission expires:

G. E. Bud Riddle
Notary Public

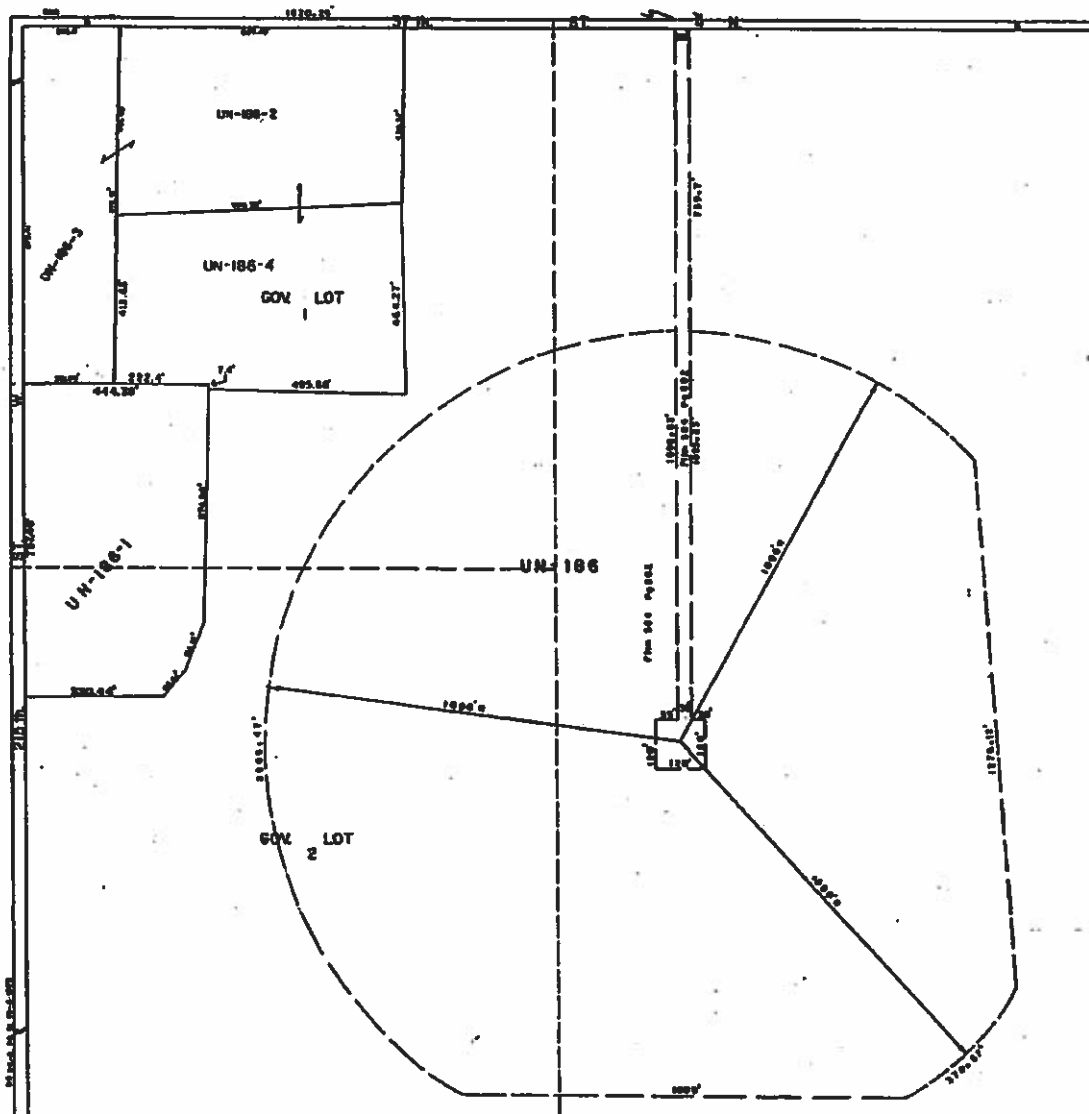


STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD BY
3:00 P.M.

MAY 16 1933

NO. 6 31117
BETTE F. MCARTY
REGISTER OF DEEDS

Ed. B. Burt
Deputy

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