

DEED OF EASEMENT

THIS AVIGATION EASEMENT made this 3rd day of July, 2019, by and between **Robert W. Cusick**, hereinafter referred to as **GRANTORS**, and COMMISSIONERS OF ST. MARY'S COUNTY, hereinafter referred to as **GRANTEE**.

WITNESSETH

WHEREAS, the said GRANTORS together own fee simple title to that certain tract of land particularly described on Exhibit A attached hereto and made a part hereof and the Plat Showing Resurvey of the Property, prepared by CLSI, attached hereto and made a part hereof as Exhibit B, herein after referred to as the PROPERTY.

NOW THEREFORE, for and in consideration of the sum of Eighteen Thousand Three Hundred Ten Dollars (\$18,310), the receipt of which are hereby acknowledged by the Grantors, the said Grantors do hereby grant, bargain, sell, and convey a permanent avigation easement described as follows to Grantee on, over, and above the Property for the purposes of the St. Mary's County Regional Airport:

The minimum elevation above mean sea level (MSL) of the easement, shall be the elevation (MSL) of the 14 CFR Part 77 Transitional Surface for Runway 11-29. The Transitional Surface shall be a slope extending from the Approach Surface at a slope of one (1) foot rise for every seven (7) feet horizontal distance. The Transitional Surface extends laterally along the runway length to intersect with the Approach Surface.

The elevation (MSL) of the Transitional Surface over the parcel ranges from approximately 192 MSL to approximately 223 MSL as shown on Exhibit C attached and made a part of this document.

The purposes of this easement shall be for the benefit of the Grantee and the public in its use of the St. Mary's County Regional Airport. To that end, the Grantors shall not hereinafter erect or permit the erection of any structures, growth of any trees or other objects, natural or manmade, within or upon said Property within the vertical airspace included in the easement. The Grantee shall have the right to take any action necessary to prevent the erection or growth of any structure, tree or other object, including terrain into the airspace included in the easement and to remove from such airspace, or mark or light as obstructions to air navigation, in its sole discretion, any and all structures, trees or other objects, including terrain. The Grantee shall have a permanent right of ingress to, egress from and passage over the land to which the easement applies for any purposes in connection with this easement as stated herein.

Further, for the consideration as set out above, the Grantors do hereby grant unto the Grantee a right to fell all trees and grade terrain, which are located within the limits of the easement area as of the execution of this Deed of Easement or at any later time. Grantee shall have the additional right to cut trees which are within ten (10) feet of the elevation (MSL) of the easement, so as to avoid the possibility of a continuous cutting process of the Grantors' property and to keep the trees below the described easement surface.

ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5112, p. 0488, MSA_CE60_5422. Date available 07/12/2019. Printed 07/17/2019.

Further, trees that are removed shall be disposed of off the Property with the exception of trees as identified in the timber salvage addendum, Exhibit D (if applicable). Stumps resulting from the tree removal shall be lowered to twelve (12) inches below ground and the disturbed area shall be graded to drain. Trees removed from grassed areas shall have the disturbed area reseeded.

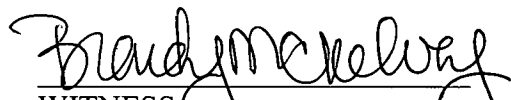
Further, for the consideration as set out above, the Grantors do hereby grant unto the Grantee, for the use and benefit of the public, a right of flight for passage of aircraft in the airspace at or above the minimum elevation (MSL) of the avigation easement over the Property together with the right to cause in said airspace such noise, vibrations and fumes as may be inherent in, or useful for, the operation of aircraft used in the airspace for landing at, taking off from, or operation at or near the St. Mary's County Regional Airport.

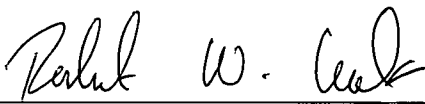
Further, for consideration as set out above, Grantor does hereby agree to preclude and prevent the construction or development of facilities that will create electronic interference with airport navigational aids and to preclude and prevent construction or development of facilities that will result in directed lighting or glare from the property onto the airport or into the approach surface.

Further for consideration as set out above, the Grantors do hereby grant unto the Grantee a right to construct or install erosion and sediment control measures on the Property, including the construction of silt control barriers, diversion ditches, sediment traps, or other measures as required by permitting agencies or sound engineering practice. Erosion and sediment control measures are considered temporary, and shall be removed upon approval of the permitting agencies.

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns forever with the understanding that these covenants and agreements shall be binding upon the heirs, administrators, executors, and assigns of the Grantors, and that these covenants and agreements shall run with the land.

WITNESS the following signatures and seals:


WITNESS

 (SEAL)
Robert W. Cusick

STATE OF MARYLAND COUNTY OF ST. MARYS, to-wit:

I HEREBY CERTIFY, That on this 3rd day of July, 2019, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared Robert W. Cusick, who acknowledged the foregoing instrument to be his act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Brady M. McKelvey
NOTARY PUBLIC

My Commission Expires: 7/17/2020

COMMISSIONERS OF ST MARY'S COUNTY

Brady McKelvey
WITNESS:

by: [Signature]
JOHN DEATRICK, P.E., AICP, LEED BD+C
Director, St. Mary's County Department of Public Works & Transportation

STATE OF MARYLAND, COUNTY OF ST. MARY'S, TO WIT:

I HEREBY CERTIFY that, on this 3rd day of July, 2019, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John Deatrick, Director of the St. Mary's County Department of Public Works & Transportation, a body politic and corporate, and having made oath that he has been duly authorized, acknowledged the foregoing deed to be the act of the said body politic and corporate.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Brady McKelvey
NOTARY PUBLIC

My Commission Expires: 7/17/2020

Approved as to Legal Form and Sufficiency:

[Signature]
David A. Weiskopf, County Attorney



ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5112, p. 0490, MSA_CE60_5422. Date available 07/12/2019. Printed 07/17/2019.

EXHIBIT "A"

(Legal Description)

439 East Main Street
Westminster, MD 21157-5539



(410) 848-1790 • (301) 662-1799
Fax (410) 848-1791

**Metes and Bounds Description
For a Proposed Avigation Easement over
Robert W. Cusick & Carol Ann Farthing-Cusick Property
(Tax Map 34, P/O Parcel 548, Lot 500-1)**

June 4, 2018

Description containing 1.1105 acres of land, located on the southeast side of the intersection of Airport View Drive and Lawrence Hayden Road in the Sixth Election District of St. Mary's County, Maryland.

Beginning for the same at rebar and cap found, on the easterly right-of-way line of Lawrence Hayden Road (40' wide) at the beginning of the North 65 degrees 40 minutes 10 seconds East, 155.39-foot line of that same tract of land described in a conveyance by Robert W. Cusick unto Robert W. Cusick and Carol Ann Farthing-Cusick by deed dated October 17, 2003 and recorded among the Land Records of St. Mary's County, Maryland in Deed Book EWA 2150, Page 230, as shown on a plat titled, "Resubdivision Lots 5-A & 6-A, Section One, St. Mary's Industrial Park," dated January 5, 1981 and recorded among the Land Records of St. Mary's County, Maryland in Plat Book 16, Page 74, which is the same tract of land as the 1.1105 acres of land as described herein; thence running with and binding on said Plat for the outline of Lot 500-1 for the following five courses; and also with the right-of-way with Lawrence Hayden Road as now surveyed,

1. North 19 degrees 13 minutes 39 seconds East, 155.65 feet to a rebar and cap set; thence,
2. By a curve to the right, northeasterly, with a radius of 25.00 feet, an arc of 36.12 feet and subtended by a chord of North 60 degrees 36 minutes 54 seconds East, 33.06 feet to a rebar and cap set on the southern right-of-way line of Airport View Drive (50' wide); thence leaving said right-of-way of Lawrence Hayden Road and running with and binding on said right-of-way line of Airport View Drive,
3. South 77 degrees 59 minutes 51 seconds East, 230.63 feet to an iron pipe found; thence leaving Airport View Drive and continuing,
4. South 19 degrees 23 minutes 56 seconds West, 209.61 feet to a rebar and cap found; thence,
5. North 70 degrees 44 minutes 17 seconds West, 250.03 feet to the place of beginning.



Containing 1.1105 Acres of land.

This metes & bounds description and the work reflected in it were prepared by me or under my responsible charge, and comply with the requirements set forth in the Maryland Minimum Standards for Professional Land Surveyors (COMAR 09.13-06.08 and .12) My license expires May 19, 2020.

6-4-18

Mark A. Riddle

Date

Professional Land Surveyor, Maryland Registration No. 10899

I:\DOC\JOB\2014\2014139\DESC\35_CUSICK_AVIGATION_DESC.doc

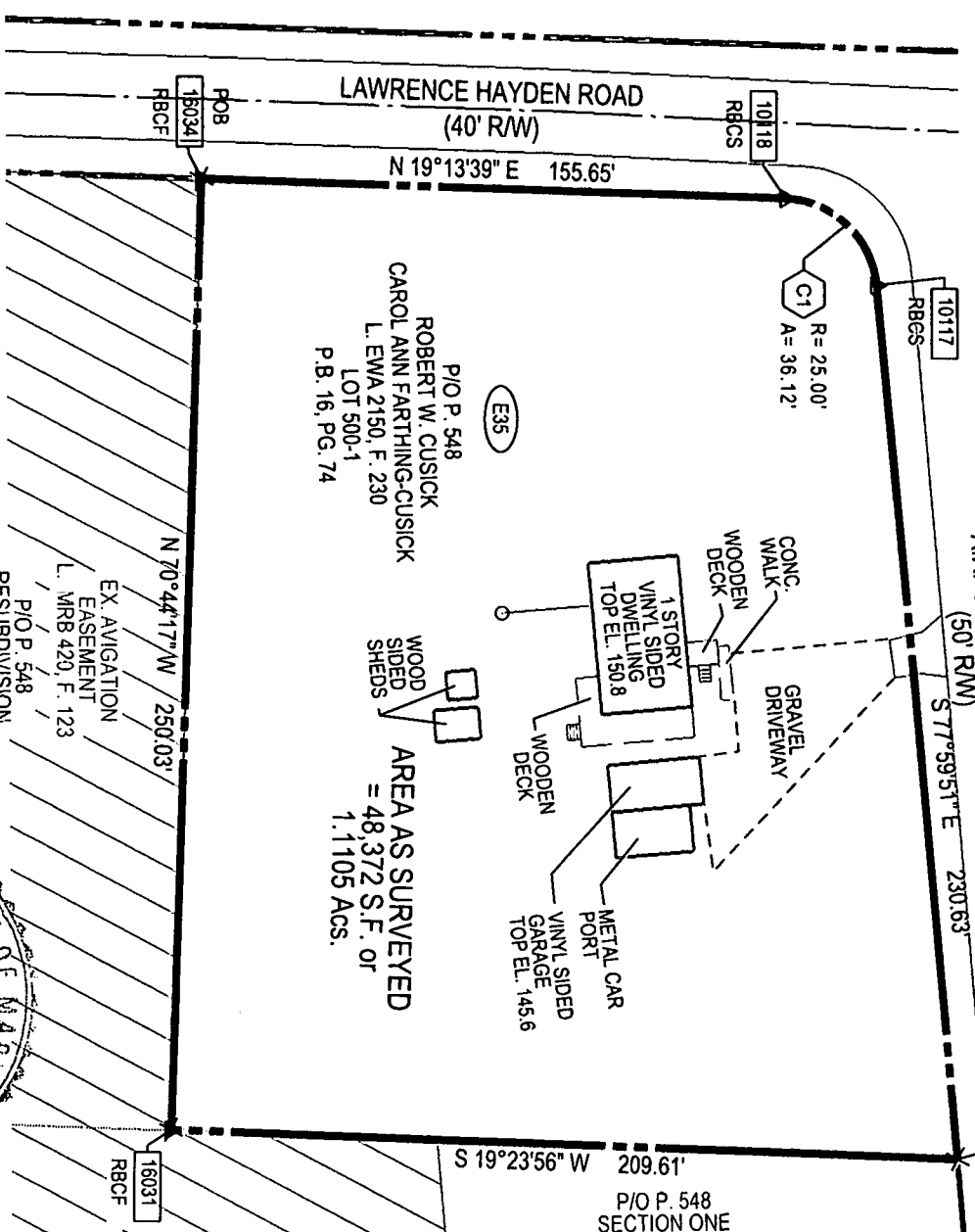


CURVE DATA

Ref #	Radius	Arc Length	Delta	Tangent Length	Chord Bearing	Chord Length
C1	25.00'	36.12'	82°46'30"	22.03'	N 60°36'54" E	33.06'

CURVE DESIGNATED THUS: **CX** AIRPORT VIEW DRIVE (50' RW)

Point Number	Decimal Degrees	Latitude	Longitude	Deg. Min. Sec.	Latitude	Longitude
16027	38°19'9.47" N	-76°55'66.89" W	38°19'9.47" N	76°55'33.34" W	38°19'9.47" N	-76°55'66.89" W
16034	38°19'8.35" N	-76°56'07.56" W	38°19'8.35" N	76°56'33.38" W	38°19'8.35" N	-76°56'07.56" W



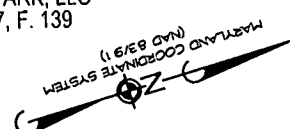
PI/O P. 548
ROBERT W. CUSICK
CAROL ANN FATHING-CUSICK
L. EMA 2150, F. 230
LOT 500-1
P.B. 16, PG. 74

WOOD SIDED SHEDS
AREA AS SURVEYED
= 48,372 S.F. OR
1.1105 ACS.

EX AVIGATION EASEMENT
L. MRB 420, F. 123

PI/O P. 548
RESUBDIVISION
LOTS 5-A & 6-A
SECTION ONE
ST MARY'S INDUSTRIAL PARK
P.B. 16, PG. 74
LOT 500-2

P/O P. 548
SECTION ONE
ST. MARY'S INDUSTRIAL PARK
LOT 19
PB. 12, PG. 72
LOT 19, ST. MARY'S
INDUSTRIAL PARK, LLC
L. JWW 4387, F. 139



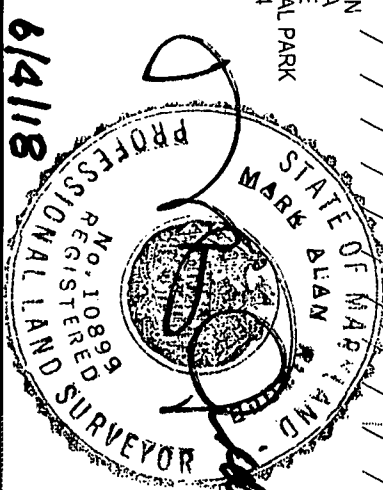
LINE STYLES LEGEND

- EXISTING CHAINLINK FENCE
- EXISTING WOODEN FENCE
- BOUNDARY LINES
- ADJACENT PROPERTY LINES
- EXISTING RIGHT-OF-WAY LINE
- EX. EDGE OF PAVING (Asphalt)
- EXISTING BUILDINGS
- EXISTING CENTERLINE OF ROAD
- GRAVEL AREA
- CENTERLINE OF STREAM
- EX. EDGE OF PAVED ROADWAY
- AVIGATION EASEMENT
- MAP REFERENCE NUMBER

SYMBOLS LEGEND

SYMBOL	ABBREVIATION	DESCRIPTION
	CMF	CONCRETE MONUMENT FOUND
	IPF	IRON PIPE FOUND
	RBGF	REBAR & CAP FOUND
	RBGS	REBAR & CAP SET
	LP	LIGHT POLE
	LP	UTILITY POLE

NOTE:
THE HORIZONTAL CONTROL SHOWN HEREON IS BASED ON THE MARYLAND COORDINATE SYSTEM (MAD 83-91) AND THE VERTICAL CONTROL IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
A licensed Maryland Surveyor either personally prepared this Boundary Survey or was in responsible charge over its preparation and the surveying work reflected in it, in compliance with the Maryland Minimum Standards of Practice for Land Surveyors. (COMAR 09-13-06.03 AND .12)
My license expires May 19, 2020.



ST. MARY'S COUNTY REGIONAL AIRPORT
6th ELECTION DISTRICT • ST. MARY'S COUNTY, MARYLAND

EXHIBIT TO ACCOMPANY DEED DESCRIPTION
ROBERT & CAROL ANN CUSICK PROPERTY
#43819 AIRPORT VIEW DRIVE
TAX MAP 34, P/O PARCEL 548, LOT 500-1
FOR

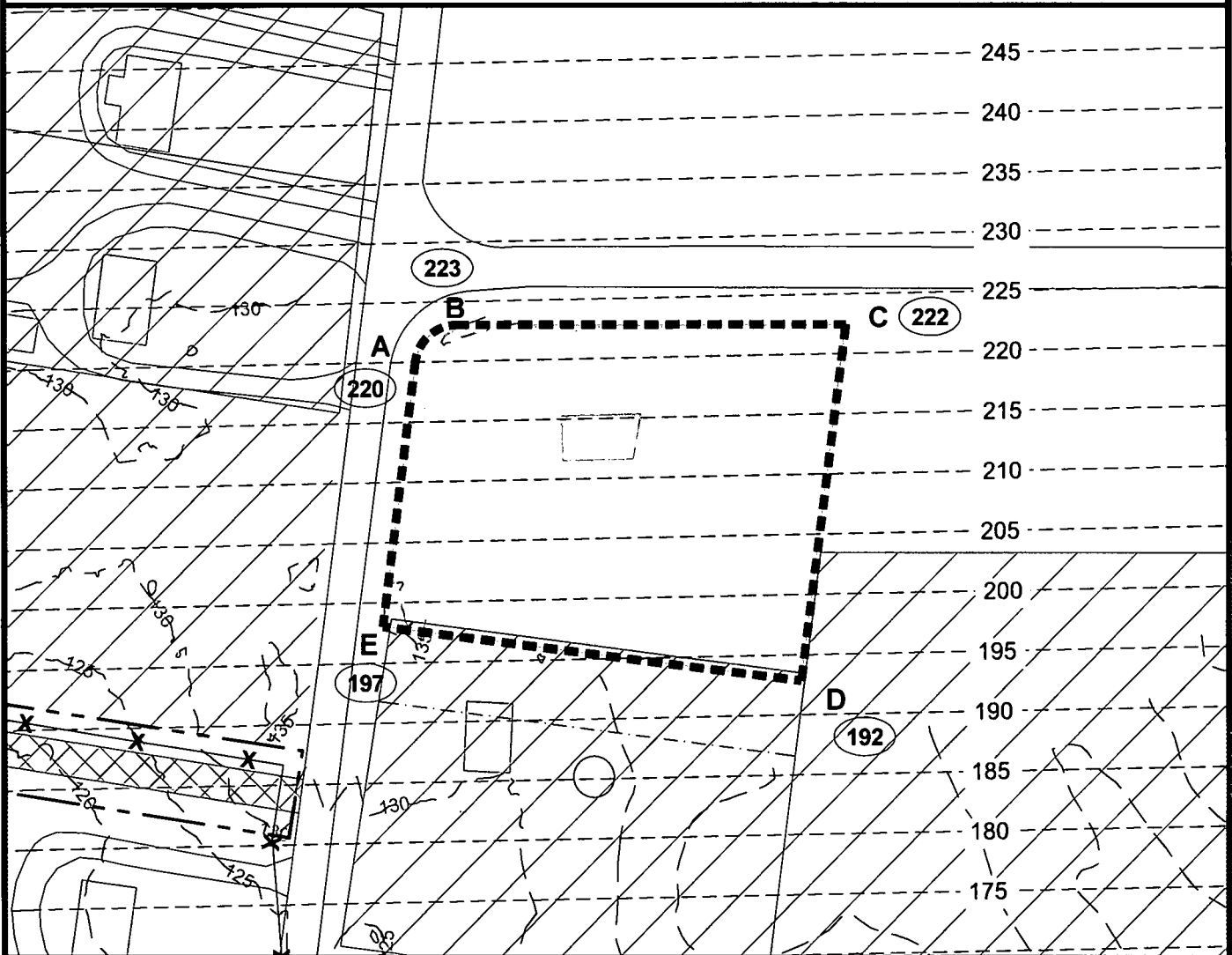
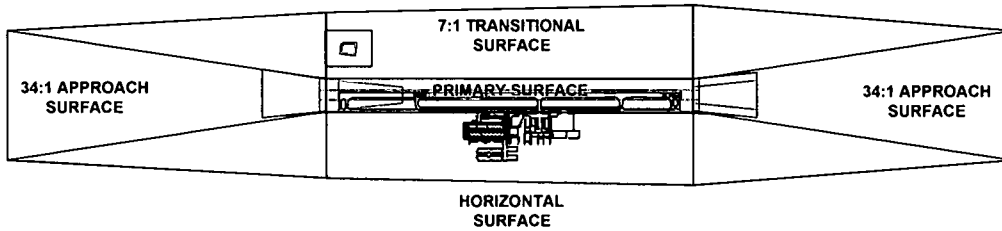
CLSI
Established Surveyors
www.clsi-chilling.com
438 East Main Street, Westminster, MD 21157-5538
(410) 848-1700 FAX (410) 848-1791

DRAWN BY:	KMB
DESIGN BY:	
REVIEW BY:	MAR
DATE:	06-04-18
SCALE:	1" = 50'
JOB NO.:	2014139
SHEET:	1 OF 1

EXHIBIT "C"

(Avigation Easement)

VICINITY MAP

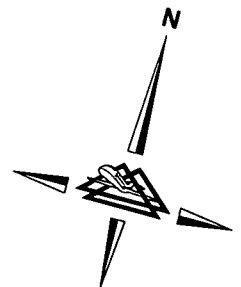


LEGEND

- · — · — AIRPORT PROPERTY LINE
- - - - - SUBJECT PARCEL PROPERTY LINE
- · — · — 14 CFR PART 77 SURFACE
- - - - - 14 CFR PART 77 CONTOUR / ELEVATION
- EXISTING AVIGATION EASEMENT
- PROPOSED AVIGATION EASEMENT

- ~XXX~ EXISTING GROUND CONTOURS
- (XXX) MAXIMUM ALLOWABLE OBJECT ELEVATION (APPROXIMATE)

SOURCES: EXHIBITS PREPARED BY DELTA AIRPORT CONSULTANTS, INC. CURRENT PARCEL INFORMATION ESTABLISHED BY FIELD SURVEY AND PLAT DESCRIPTION PROVIDED BY CLSI CIVIL ENGINEERS (MAY 2017).



DRAWING: 14080-exh-par35.dwg LAYOUT: L1



www.deltairport.com

ROBERT W. CUSICK
CAPTAIN WALTER FRANCIS DUKE REGIONAL AIRPORT AT ST. MARY'S

PROPERTY REF. #
E35

DRAWN BY: NLM CHECKED BY: RGL SCALE: 1" = 100' DATE: NOVEMBER 2017

ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5112, p. 0496, MSA_CE60_5422. Date available 07/12/2019. Printed 07/17/2019.

DOCUMENT VALIDATION

LR - Government
Instrument 0.00
Agency Name:
Commissioners of St.
Mary's Co
Instrument List:
Agreement / Easement
Describe Other:
Ref: MM/Co Atty-Brandy
=====

Total:	0.00
07/10/2019	09:02
	CC18-MS
#12395325	CC0704 - St
	Mary's
	County/CC07.04.03 -
	Register 03

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844

ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5112, p. 0497, MSA_CE60_5422. Date available 07/12/2019. Printed 07/17/2019.