

DEED OF EASEMENT

THIS AVIGATION EASEMENT made this 23rd day of January, 2020, by and between **PELBPS, LLC**, 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 Fifteen Thousand Dollars (\$15,000), 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 of the Approach Surface for an instrument approach procedure to Runway 29. The inner approach surface shall be a slope beginning 200 feet from the Runway 29 threshold at a width of 500 feet and extending outward from the runway end beginning at an elevation of 127 MSL, and extending at a slope of one foot for every 34 feet horizontal distance along the extended centerline.

The elevation (MSL) of the Approach Surface over the parcel range from approximately 206 MSL to approximately 215 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.

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. The Grantee agrees to replant trees within the area of removal (within the avigation easement) as may be required by the on-site Forest Conservation Easement (FCE), and of an appropriate species to ensure no future penetration of the below prescribed airspace.

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:

Kathryn L. Connors
WITNESS

[Signature] (SEAL)
PELBPS, LLC

STATE OF Maryland, COUNTY OF St. Mary's, to-wit:

I HEREBY CERTIFY, That on this 14 day of January, 2020,
before me, the undersigned officer, a Notary Public in and for the State and County aforesaid,
personally appeared James S. Moran, who acknowledged the foregoing instrument to be
his act and deeds member of PELBPS, LLC.

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

Kathryn L. Connors
NOTARY PUBLIC

My Commission Expires: _____



KATHRYN L. CONNORS
NOTARY PUBLIC
ST. MARY'S COUNTY, MARYLAND
MY COMMISSION EXPIRES
OCTOBER 19, 2022



ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5314, p. 0463, MSA_CE60_5624. Date available 04/21/2020. Printed 04/29/2020.

COMMISSIONERS OF ST MARY'S COUNTY

D.B. Whipple
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 23 day of January, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John Deatruck, 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.

[Signature]
NOTARY PUBLIC

My Commission Expires: 5-17-21



Approved as to Legal Form and Sufficiency:

[Signature]
David A. Weiskopf, County Attorney

ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5314, p. 0464, MSA_CE60_5624. Date available 04/21/2020. Printed 04/29/2020.

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
Avigation Easement over
PELBPS, LLC Property
(Tax Map 34, Parcel 157)**

June 5, 2017

Description of an Avigation Easement containing 1.0123 acres of land, along the northeastern side of Maryland Route Number 235 (Three Notch Road), beginning approximately 270 feet southerly and opposite the intersection of Maryland Route Number 235 and Airport Road in the Eighth Election District of St. Mary's County, Maryland.

Beginning for the same at a point on the Northeastern right-of-way line of Maryland Route Number 235 (Three Notch Road) opposite baseline of right-of-way Station 1075+13.47, offset 55.16-feet left, as shown on State Roads Commission of Maryland Plat Number 45907, said point also being the beginning of the First or North 59 degrees 57 minutes 51 seconds East, 433.35 feet line of a conveyance by John F. Slade, IV, Guardian, unto PELBPS, LLC by deed dated June 1, 2015 and recorded among the Land Records of St. Mary's County, Maryland in Deed Book JWW 4189, Page 251; thence leaving said Northeastern right-of-way line of Maryland Route Number 235 and running with and binding on the outline of said lands of PELBPS, LLC (4189/251) for the following six courses as now surveyed,

1. North 52 degrees 42 minutes 29 seconds East, 208.99 feet to a concrete monument found, passing over a rebar and cap found after 0.38 feet; thence continuing along the aforementioned First line (4189/251),
2. North 52 degrees 37 minutes 35 seconds East, 224.59 feet to a concrete monument found; thence,
3. South 28 degrees 13 minutes 09 seconds West, 487.83 feet, passing over a concrete monument found after 472.34 feet, to a rebar and cap set to intersect said Northeastern right-of-way line of Maryland Route Number 235 (Three Notch Road); thence running with and binding on said Northeastern right-of-way line for the following three courses as now surveyed,
4. North 41 degrees 29 minutes 58 seconds West, 22.06 feet to a rebar and cap set on said right-of-way opposite State Roads Commission baseline of right-of-way Station 1076+92, offset 30.00-feet left; thence,



- 5. North 33 degrees 48 minutes 46 seconds West, 164.48 feet to a rebar and cap set on said right-of-way opposite State Roads Commission baseline of right-of-way Station 1075+29, offset 52.00-feet left; thence,
- 6. North 30 degrees 00 minutes 29 seconds West, 15.84 feet to the place of beginning.

Containing 1.0123 Acres of land.

Being an Avigation Easement running through, over and across all of that tract or parcel of land described in a conveyance by John F. Slade, IV, Guardian, unto PELBPS, LLC by deed dated June 1, 2015 and recorded among the Land Records of St. Mary's County, Maryland in Deed Book JWW 4189, Page 251.

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, 2018.

6/5/17

Mark A. Riddle

Date

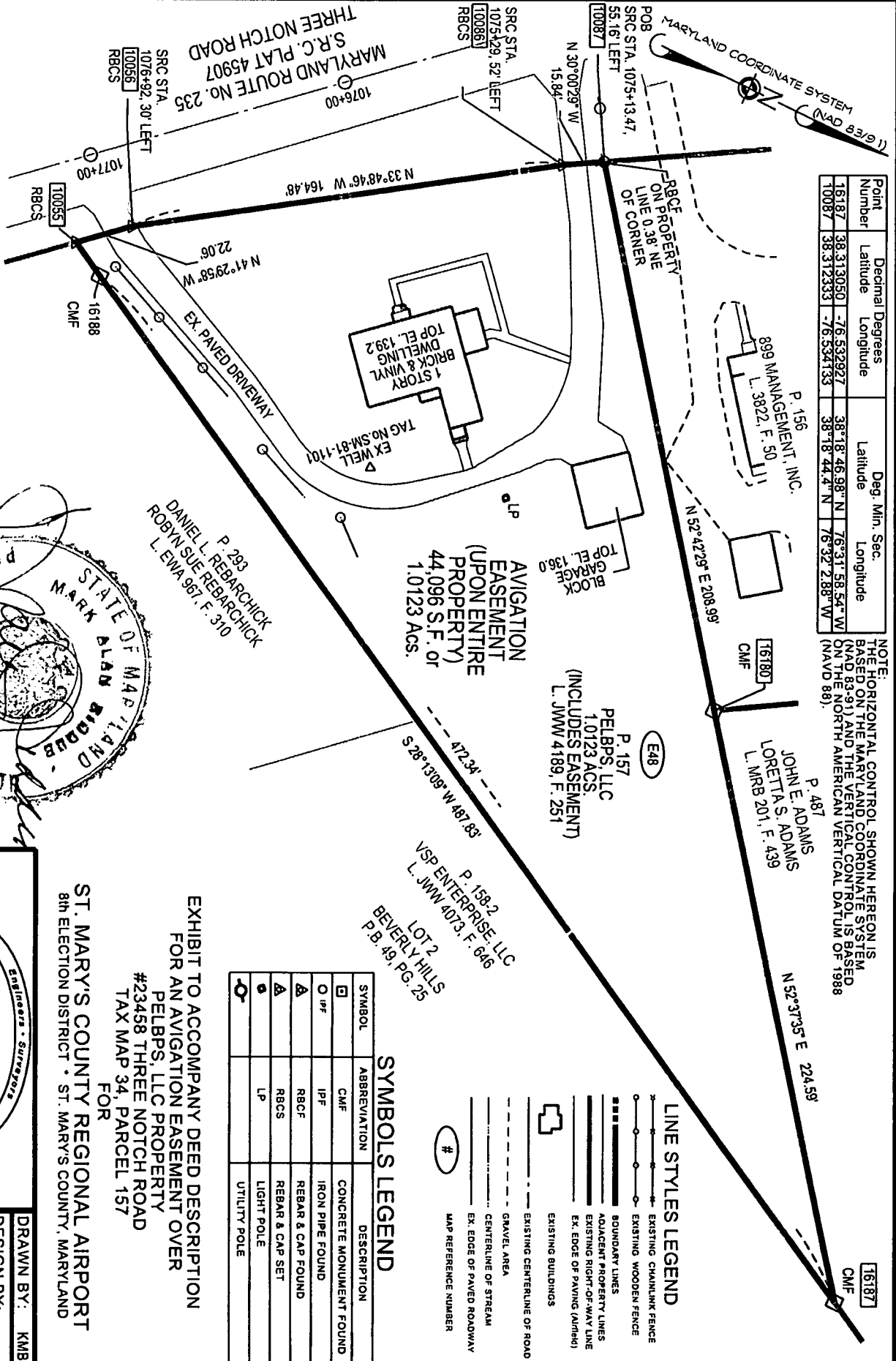
Professional Land Surveyor, Maryland Registration No. 10899

I:\DOCVOB\2014\2014139\DESC\48_PELBPS_AVIGATION_DESC.doc

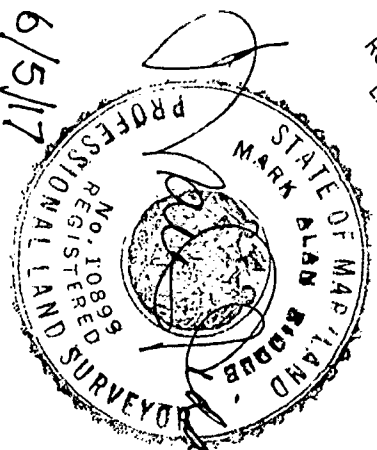


Point Number	Decimal Latitude	Deg. Min. Sec. Longitude	Latitude	Longitude
16187	38.313050	-76.532927	38°18'46.98" N	76°31'58.54" W
10087	38.312333	-76.534133	38°18'44.4" N	76°32'2.88" W

NOTE: THE HORIZONTAL CONTROL SHOWN HEREON IS BASED ON THE MARYLAND COORDINATE SYSTEM (NAD 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, 2018.



SYMBOL	ABBREVIATION	DESCRIPTION
☐	CMF	CONCRETE MONUMENT FOUND
○	IPF	IRON PIPE FOUND
△	RBCF	REBAR & CAP FOUND
▽	RBCS	REBAR & CAP SET
⊕	LP	LIGHT POLE
⊙		UTILITY POLE

SYMBOLS LEGEND

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

EXHIBIT TO ACCOMPANY DEED DESCRIPTION FOR AN AVIGATION EASEMENT OVER PELBPS, LLC PROPERTY #23458 THREE NOTCH ROAD TAX MAP 34, PARCEL 157 FOR ST. MARY'S COUNTY REGIONAL AIRPORT 8th ELECTION DISTRICT • ST. MARY'S COUNTY, MARYLAND

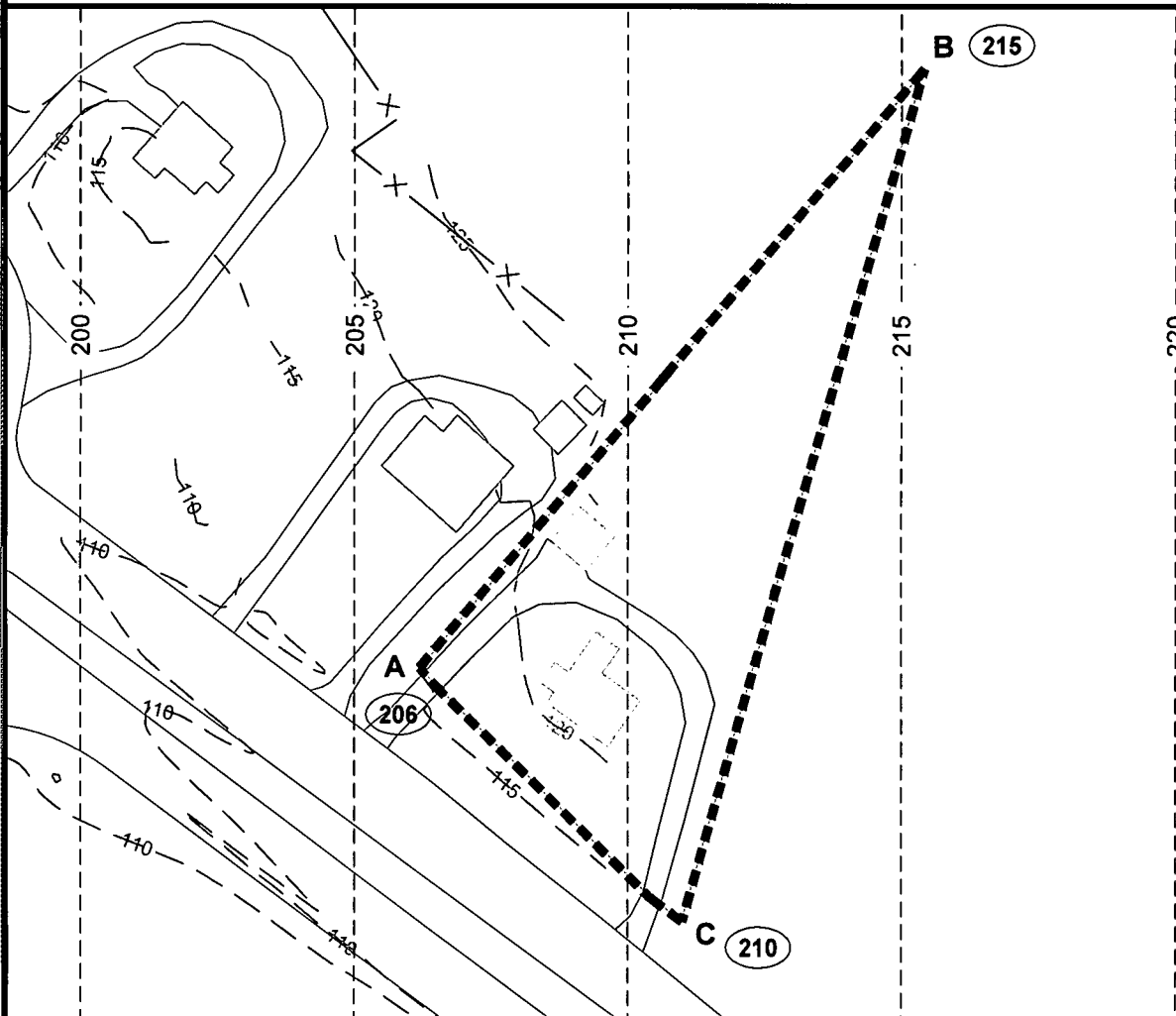
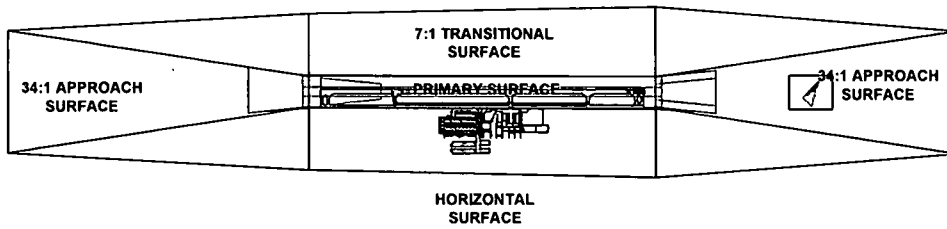
DRAWN BY:	KMB
DESIGN BY:	
REVIEW BY:	MAR
DATE:	06-05-17
SCALE:	1" = 50'
JOB NO.:	2014139
SHEET:	1 OF 1

EXHIBIT "C"

(Avigation Easement)

EXHIBIT 'C'

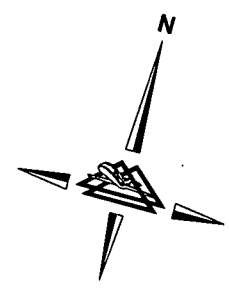
VICINITY MAP



LEGEND

- AIRPORT PROPERTY LINE
- SUBJECT PARCEL PROPERTY LINE
- 14 CFR PART 77 SURFACE
- 14 CFR PART 77 CONTOUR / ELEVATION
- 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-pard&-FULL.dwg LAYOUT: L1



www.deltairport.com

PELBPS, LLC
CAPTAIN WALTER FRANCIS DUKE REGIONAL AIRPORT AT ST. MARY'S

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

PROPERTY REF. #
E48

ST. MARY'S COUNTY CIRCUIT COURT (Land Records) DJB 5314, p. 0470, MSA_CE60_5624. Date available 04/21/2020. Printed 04/29/2020.

DOCUMENT VALIDATION

LR - Government
Instrument 0.00
Agency Name:
COMMISSIONERS OF ST
MARYS COUNTY
Instrument List:
Agreement / Easement
Describe Other:
Ref: DENSFORD

=====
Total: 0.00
04/14/2020 02:45
CC18-MR
#13608443 CC0704 - St
Mary's
County/CC07.04.01 -
Register 01

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