

EXHIBIT C

Exhibit C
Avigation and Height Easement²

The Grantor (City of Atlanta) hereby reserves an interest in the Property described in this deed that will create a servitude on particular areas that will restrict the use of the surface and that will assure the City of Atlanta of the right and privilege of a use in the airspace for the right of flight of aircraft, the right to cause noise, vibration, dust, fumes, and fuel particles normally arising from the operation of aircraft in flight, the right to prohibit future obstructions into the airspace, and the right to enter the land to exercise the rights reserved under this easement. The Grantor shall endeavor, but shall not be required, to provide notice to owner in advance of entering the land. The restrictions in this easement shall include but not be limited to:

- (1) The right to restrict or prohibit radio or electromagnetic interference to aircraft flying overhead.
- (2) The right to restrict or prohibit lights, lighted signs, and other lighted objects that unreasonably interfere with aircraft flying overhead.
- (3) The right to restrict or prohibit hazardous or objectionable smoke, fumes, or vapor that unreasonably interferes with aircraft flying overhead.
- (4) As depicted on the **Exhibit "D" Drawing**, the right of flight shall include and be limited to, and the right to prohibit heights for buildings, structures and other improvements shall begin at 1,127-feet above mean sea level at the eastern most edge of the parcel rising to an elevation of 1,175-feet above mean sea level at the western most edge of the parcel. Any point between the east and west elevations can be interpolated using a sloping plane between the two elevations.
- (5) The right to restrict or prohibit specific agricultural or horticultural uses such as growth and harvesting of timber, establishment of

²The parties agree that an appropriate **Exhibit "D"**, depicting the avigation and height easements applicable to the Wynterbrook site will be prepared and attached to the Limited Warranty Deed transferring title to the Wynterbrook site.

orchards or other plant growth that may eventually penetrate the imaginary surfaces depicted on the **Exhibit "D" Drawing**.

- (6) The right to restrict or prohibit specific agricultural uses, construction of ponds, lakes, or other water impoundments, sanitary landfills, or other man-made improvements that may attract or result in the concentration of birds or waterfowl that will or may unreasonably interfere with aircraft flying overhead. However, nothing contained herein shall require the owner or occupant to construct underground stormwater retention or storm water detention ponds.
- (7) The right to require the removal by the owner of any trees or portions of trees, now or hereafter existing, that penetrate imaginary surfaces as stated in Section (4), and the right to enter upon said properties and remove such trees or portions of trees if the owner fails to do so within thirty (30) days after receipt of written 22 notice from the City of Atlanta of the requirement to do so and, in such event, to collect the cost of such removal from the owner.