



## Falcon Field Rotorcraft Land Use Compatibility Study



# **FALCON FIELD ROTORCRAFT LAND USE COMPATIBILITY STUDY**

**Prepared for**

**The City of Mesa**

**By**



**FINAL – November 2022**

## TABLE OF CONTENTS

INTRODUCTION .....	1
STUDY AREA .....	1
Falcon Field Airport History .....	1
Boeing Company .....	3
Airspace Structure .....	3
Helicopter Operating Procedures .....	5
General Plan/Comprehensive Plan Designation .....	5
Zoning .....	11
Airfield Overlay District .....	12
Avigation Easement.....	15
CONCLUSION.....	16

### EXHIBITS

1	Study Area .....	2
2	Aircraft and Airspace Regulations .....	4
3A	Study Area Airspace .....	6
3B	Study Area Elevation .....	7
4	Flight Tracks .....	9
5	Helicopter Flight Pattern and Airport Overflight Area .....	10
6	Mesa 2040 General Plan Character Designation .....	13

### APPENDIX A – AVIGATION EASEMENT



## INTRODUCTION

This land use compatibility study is an independent report intended to examine the potential impact of helicopter activity associated with testing and training flights conducted by the Boeing Company and other helicopter operators on the future development of land located approximately one mile north of the Falcon Field Airport (FFZ) in the City of Mesa, Arizona. This study provides guidance to existing and future City leaders, policymakers, and City staff to protect the study area, described below, from future development that could have a negative impact on aviation activities and operations. Please note this study is not affiliated with the Federal Aviation Administration (FAA) or Falcon Field Airport operational procedures.

## STUDY AREA

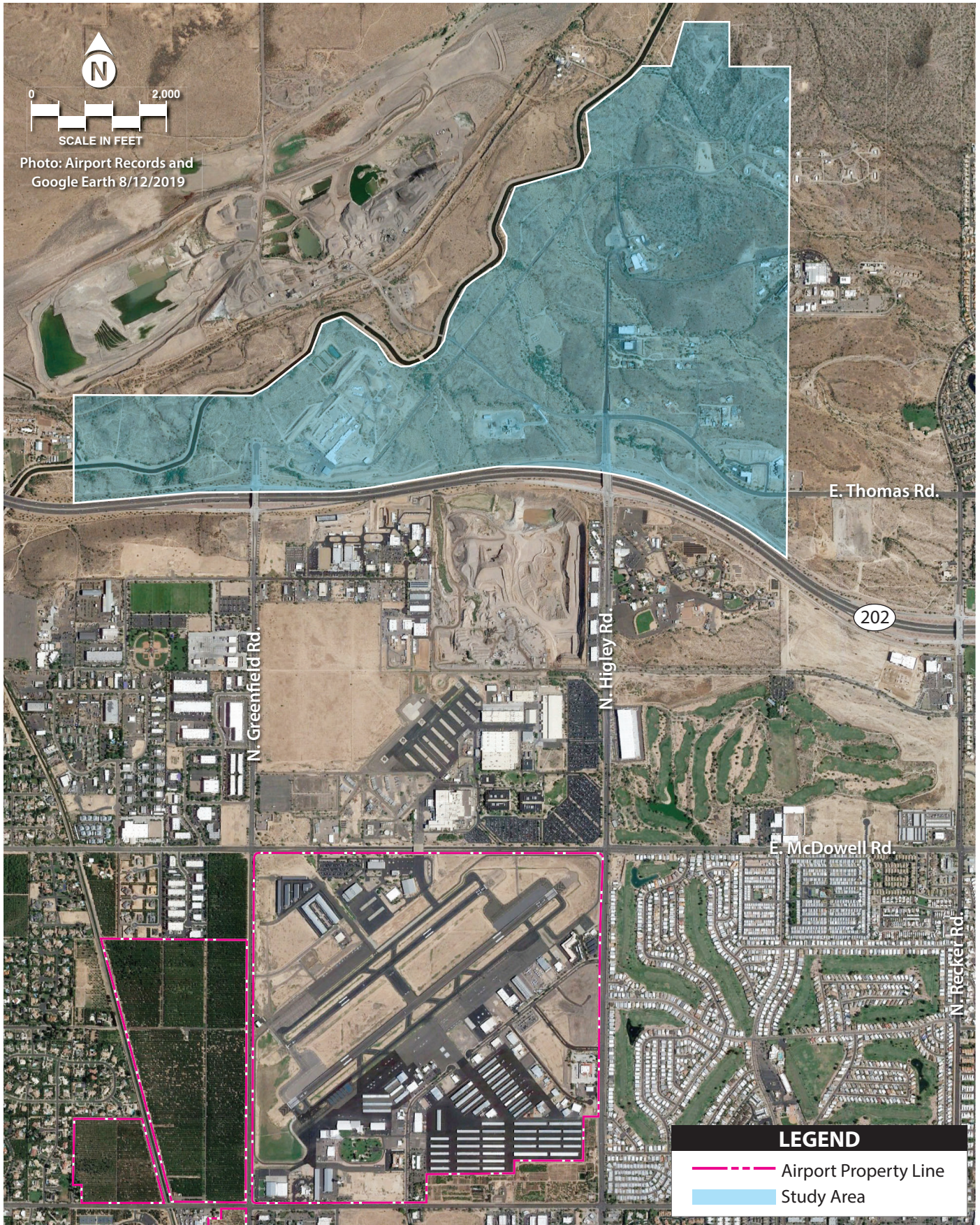
The study area is located approximately one mile north of the airport, between N. Val Vista Drive and N. Recker Rd. on the north side of the Loop 202 Highway. The study area is approximately 831 acres, identified on **Exhibit 1**. The Mesa 2040 General Plan character designation for the site is Employment. This character type supports business parks and industrial uses, such as warehousing and manufacturing, that contribute to the City's goal of providing a wide range of employment opportunities in a high-quality setting. The Employment character designation is considered compatible with aviation activity as further detailed in this study.

## FALCON FIELD AIRPORT HISTORY

Originally a World War II (WWII) training base, Mesa's Falcon Field Airport has become one of the busiest general aviation airports in the United States. Falcon Field Airport was built in 1941 as a training base for British Royal Air Force (RAF) pilots during WWII with one unpaved, 2,600-foot runway. Shortly after the training facility opened, the United States became involved in the war and American pilots also began using the airfield for training purposes. In 1948, the federal government deeded the property to the City of Mesa as a municipal airport.

Beginning in the 1980s, the airport underwent numerous upgrades, including the extension of the main runway to its present length, the construction of a parallel runway, and implementation of approach lighting and navigational aids. The present-day airport has evolved into one of the nation's busiest general aviation airports, as it accommodates a significant number of based aircraft and annual aircraft operations. Due to the high operational activity of the airport, it has attracted numerous premier aviation-related employers to the City of Mesa.







## BOEING COMPANY

Hughes Helicopters, now the Boeing Company, has been a valued Arizona employer in the Falcon District since the early 1980s. Founded by the aviator Howard Hughes, the company began as a major producer of civil and military aircraft in the 1940s. By the 1970s, Hughes Helicopters was testing a prototype military helicopter, the Hughes YAH-64, in California. It was also during the 1970s the U.S. Department of Defense authorized Hughes to design and build the Advanced Attack Helicopter. Due to increased testing and production, Hughes Helicopters started to look for a more suitable location in the Arizona desert in the early 1980s and chose the City of Mesa. Groundbreaking on the current location directly north of Falcon Field Airport occurred in 1982, and by 1983 the first Apache Helicopter rolled off the Mesa production line. Hughes tested the Apache, along with a series of helicopters, north of the facility in the general location of the study area. In 1984, McDonnell Douglas purchased Hughes Helicopters and continued designing, producing, and testing military-style helicopters through the 1980s and 1990s. McDonnell Douglas merged with the Boeing Company in 1997 and continued testing and training operations over and near the study area. This testing of helicopters and associated training continues, and is forecasted to continue into the foreseeable future, over and adjacent to the study area. It can be expected that these aircraft will be performing routine flight-testing and training operations at any time day or night.

Boeing and other helicopter operators are located in the Falcon District, which is described as “an innovative, high-tech hub for aerospace/aviation, defense, advanced manufacturing, and advanced business services”<sup>1</sup> located around the airport. Boeing employs several thousand employees.

## AIRSPACE STRUCTURE

The airspace around the study area is extremely busy and is solely controlled by the FAA. The FAA has established a standardized airspace system to regulate the use of airspace for all airports within the U.S. Within the FAA’s system, airspace is broadly classified as either controlled or uncontrolled. The difference between controlled and uncontrolled airspace relates primarily to requirements for pilot qualifications, ground-to-air communications, navigation and air traffic services, and weather conditions.

The *Federal Aviation Administration Act of 1958* established the FAA as the responsible agency for the control and use of navigable airspace within the United States. The City of Mesa does not control the airspace where aircraft may be flown and does not issue or enforce minimum safety standards for operating aircraft. This responsibility falls exclusively under the responsibility of the FAA. **Exhibit 2** depicts aircraft and airspace regulations.

---

<sup>1</sup> City of Mesa Economic Development (<https://www.selectmesa.com/business-districts/falcon-district>)

## AIRCRAFT & AIRSPACE REGULATIONS



### PILOT

- Responsible for safe operation of aircraft in the air and on the ground



### FAA

- Establishes airspace - where aircraft may be flown
- Certifies aircraft and pilots



### CITY OF MESA

- No control over aircraft in flight
- May establish land use plans to promote public health & safety in the vicinity of airports



## LAND USE REGULATIONS



### CITY OF MESA

- Responsible for maintaining a safe airport
- Coordinates with citizens & developers to promote land use compatibility



### STATE OF ARIZONA

- Requires real estate disclosure within the Airport Influence Area
- Enables local land use planning through adoption of zoning ordinances and a General Plan



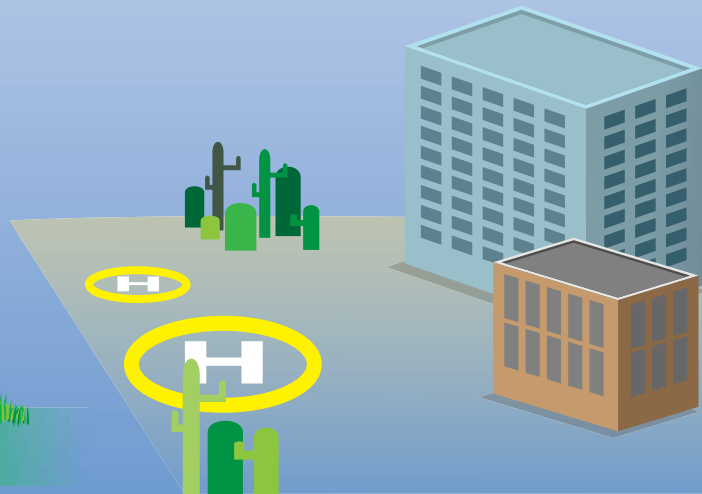
### UNITED STATES

- No land use authority except on airports that were previously owned by the federal government and/or on airports which receive federal funding for airport capital improvement projects.

Above 2,633' AGL (4,000 MSL) is Class "B" airspace associated with Phoenix Sky Harbor International Airport



Class "D" airspace up to 2,033 AGL (3,400' MSL)



The study area is located within the Class D controlled airspace - one of five classes of controlled airspace in the United States - for Falcon Field.<sup>2</sup> The airspace in relation to the study area is depicted on **Exhibit 3A** (the study area's elevational changes are referenced on **Exhibit 3B**). Class D airspace is defined as controlled airspace surrounding low-activity commercial service or general aviation airports with an airport traffic control tower (ATCT). The airspace over the study area is classified as Class D from the surface to approximately 2,033 feet (ft) AGL (3,400 ft MSL) for approximately five nautical miles north of Falcon Field Airport. The hours of operation for the FAA ATCT at Falcon Field are 5:30 a.m. to 9:00 p.m. daily. However, the airspace is open 24 hours per day, seven days per week, and aircraft may fly within the airspace at any time.

The airspace around the study area is extremely busy. A variety of aircraft, including helicopters, fixed-wing piston, turbine powered, and jet aircraft, conduct activities over the study area. **Exhibit 4** shows a 12-hour timeframe of aircraft flying over the study area.

## HELICOPTER OPERATING PROCEDURES

Due to the high volume of helicopter activity, the Falcon Field ATCT has implemented helicopter-specific flight procedures to facilitate safe and efficient flow of air traffic. These widely used procedures route helicopter traffic in the study area. Given the high volume of helicopter activity in the study area, specific helicopter procedures have been implemented between the Falcon Field ATCT and local helicopter operators. These procedures are used between ATCT personnel and helicopter operators to control operations within the Class D airspace surrounding the airport.

Generally, helicopter flight paths occur between N. Higley Road on the east and N. Greenfield Road on the west (**Exhibit 5**). These flight paths exist, in part, to maintain adequate separation between the helicopters and fixed-wing aircraft arriving and departing from Falcon Field. However, pilots may deviate from these paths and fly at low altitudes over the study area and nearby residential areas. The City of Mesa does not control the airspace associated with these flight paths.

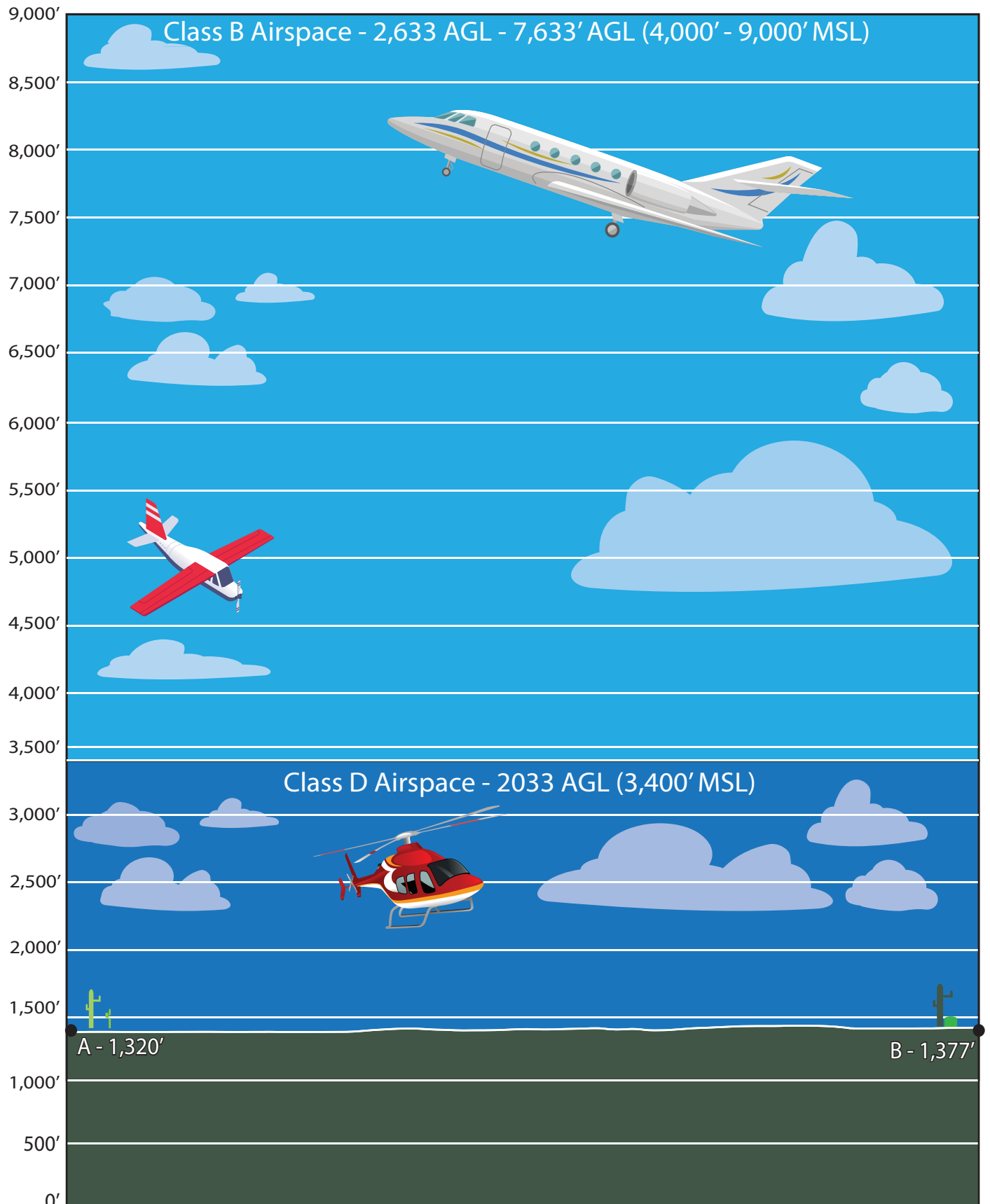
As discussed previously, the study area is frequently overflown by both fixed wing aircraft and helicopters. As a result, aircraft noise will likely be heard throughout the daytime and nighttime hours within the study area in the foreseeable future.

## GENERAL PLAN/COMPREHENSIVE PLAN DESIGNATION

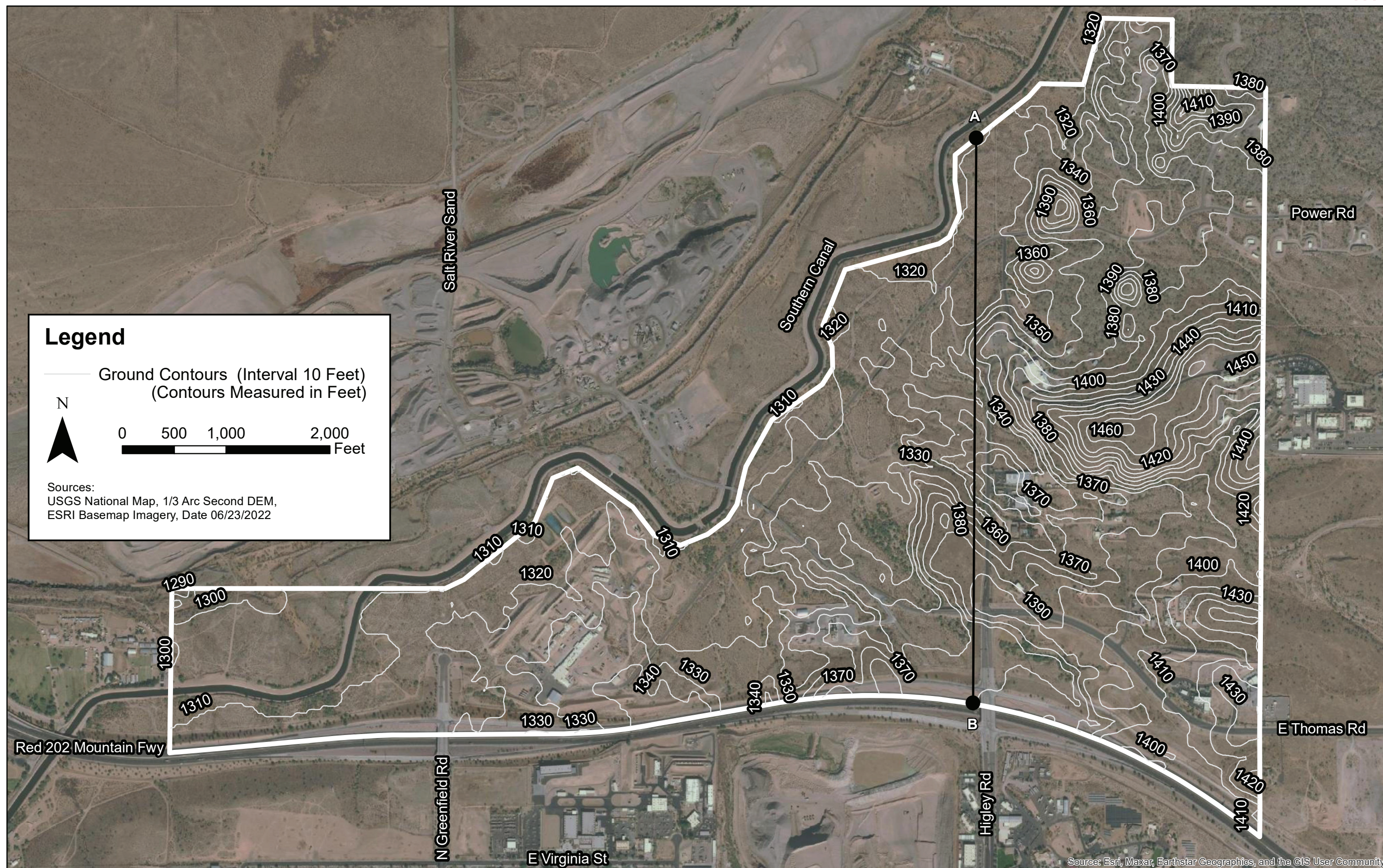
Arizona state statute requires each municipality to adopt a comprehensive, long-range general plan to guide the physical development of the municipality. The general plan serves as the official policy statement that sets forth its major goals, objectives, and principles concerning desirable physical development within the City.

---

<sup>2</sup> Federal Aviation Administration *Phoenix Visual Flight Rules Sectional Chart*, April 23, 2020 ([https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/digital\\_products/vfr/](https://www.faa.gov/air_traffic/flight_info/aeronav/digital_products/vfr/))

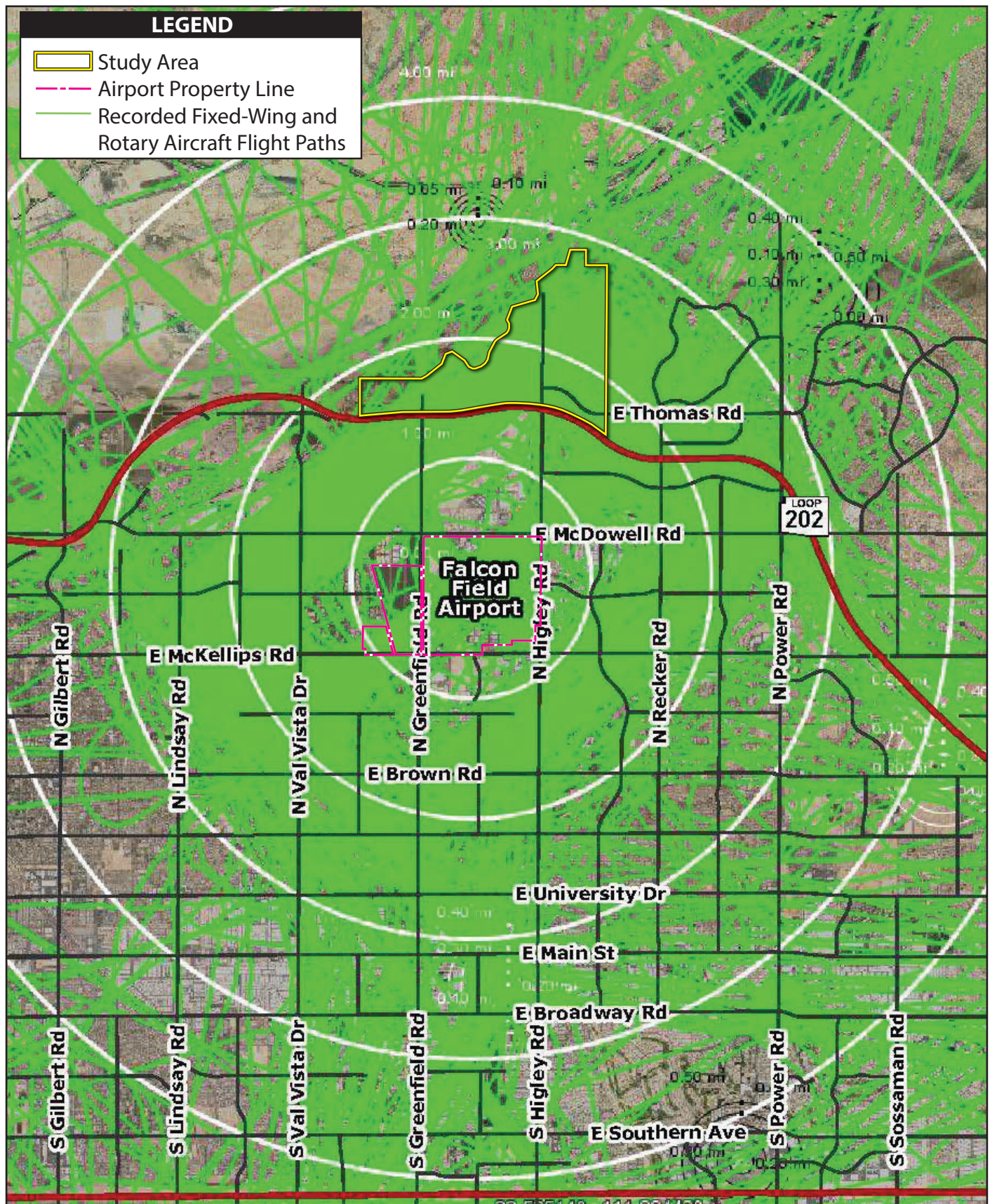






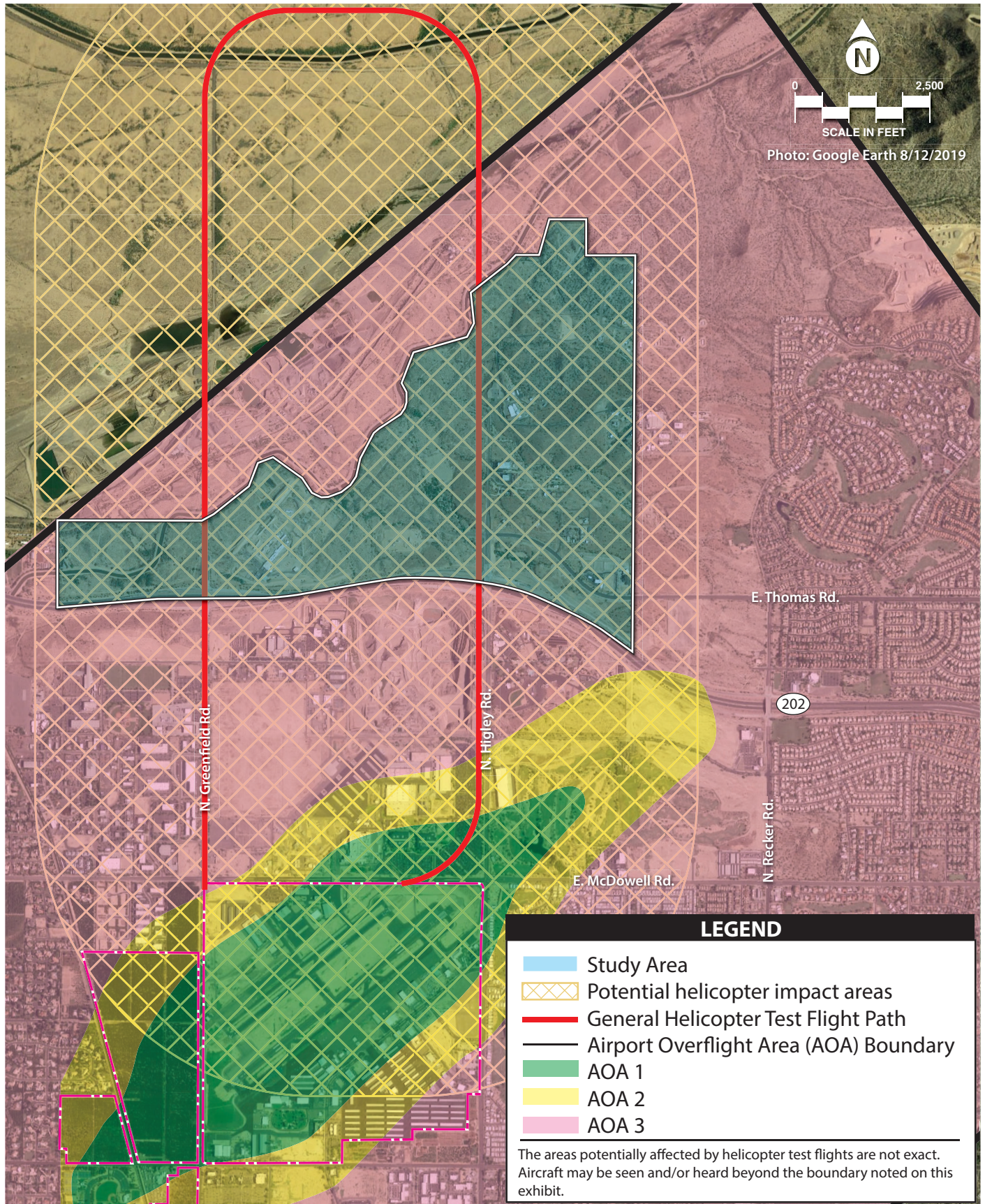


This page intentionally left blank



Source: Falcon Field Airport. June 10, 2019. 5:00 a.m. - 5:00 p.m.





Sources: City of Mesa, AZ.



The Mesa City Charter also requires adoption of a General Plan to guide land use decisions within its jurisdiction. The City adopted its most recent General Plan (*Mesa 2040 General Plan*) in 2014.<sup>3</sup> Per Chapter 2 of the Plan, the General Plan has the following three interrelated functions:

- An expression of the community goals and priorities;
- A decision-making guide; and
- Fulfillment of a legal requirement of state law.

One major strategy for implementing the Plan is ensuring that proposed development complies with the specific policies and goals of “character areas” as defined in the General Plan. The character areas are intended to guide a comprehensive approach to evaluating development proposals to create recognizable cohesive areas throughout the City, rather than focusing on individual, parcel-specific land use decisions.

Overall, there are nine-character area designations within the City’s planning area (Page 7-2 of the General Plan). The subject study area is designated as an Employment (**Exhibit 6**) character area designation. Per Chapter 7 of the Plan, the goal of the Employment character area is to provide a wide range of employment uses and opportunities. The designation is also primarily used for employment-type land uses that typically have minimal connections to the surrounding areas. Examples of typical uses in the character area includes large manufacturing facilities, warehousing, business parks, etc. Other supporting uses such as retail and office may be allowed in the Employment character area, but the designation rarely includes residential development. Per Chapter 7 of the General Plan, there are certain areas within the city, particularly around Falcon Field and Phoenix-Mesa Gateway Airports, that have specific land use and building height restrictions that supersede the typical information found in the character area designations. Development in such areas must also comply with FAA requirements, address flight safety requirements, and provide for a compatible mixture of land uses. Development within the subject study area, therefore, must not only conform to the goals of the character area designation on the property, but must also compliment the uniqueness of flight activities and be compatible with high-noise uses.

## ZONING

State statute requires municipalities to adopt a zoning ordinance to administer the goals of the General Plan. Per Chapter 16 of the *Mesa 2040 General Plan*, the City’s Zoning Ordinance<sup>4</sup> establishes permitted land uses and the appropriate locations, size, height of structures, etc. The subject study area contains five zoning designations: Agriculture (AG), Light Industrial (LI), General Industrial (GI), Single Residence-43 (RS-43) and Single Residence-90 (RS-90).

<sup>3</sup> City of Mesa Long Range Planning Division. *Mesa 2040 General Plan* (June 2014); <https://www.mesaaz.gov/business/development-services/planning/long-range-planning?locale=en>

<sup>4</sup> City of Mesa Planning Division *Title 11, Zoning Ordinance of the Code of Ordinances of Mesa, Arizona*; [https://library.municode.com/az/mesa/codes/code\\_of\\_ordinances?nodeId=COOR\\_TIT11Z00R](https://library.municode.com/az/mesa/codes/code_of_ordinances?nodeId=COOR_TIT11Z00R)

As outlined in Chapter 4 of the Zoning Ordinance, the purpose of the AG zoning district is to protect and preserve agricultural lands and related activities in their present character. The district is also used to protect agricultural lands from incompatible land uses and urban encroachment. This district encourages the use of land for local food production. This district may also be used as a means to limit premature development, or to assure development of property takes place when suitable infrastructure and adopted plans are in place to support development of the area in a manner consistent with the applicable General Plan designation.

Per Chapter 5 of the Mesa Zoning Ordinance, the purpose of the Single Residence districts (RS-43 and RS-90) is to provide areas for the orderly, well-planned, and balanced growth of the residential neighborhoods. The RS-43 minimum lot size is 43,560 square feet and the RS-90 minimum lot size is 90,000 square feet. The location of the study area, with such high-impact flight activity, makes it unsuitable for residential development.

Per Chapter 7 of the Zoning Ordinance, the purpose of the LI zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities. The district also provides for a full range of commercial activities, including high-impact commercial uses such as outdoor display and outdoor sales. The development of industrial or high-impact commercial uses that are prone to high-noise impact will not be out of character with the LI zoning designation on the property.

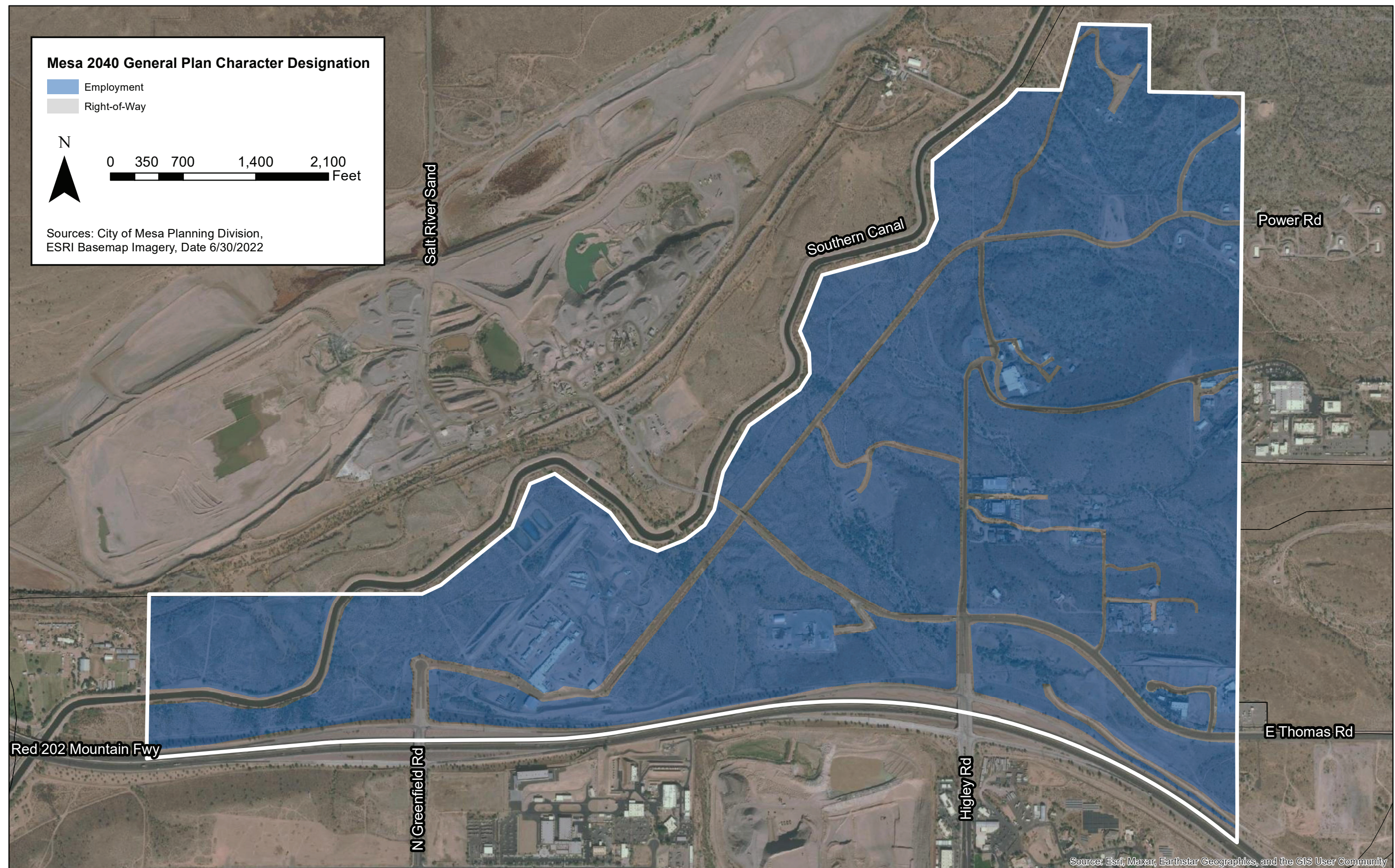
The purpose of the GI zoning district is to provide areas for manufacturing, processing, assembly, research, wholesale, and storage, and similar activities that require separation from residential uses due to noise, vibration, use of hazardous materials, or other characteristics. These activities principally take place indoors, but may also include some outdoor activities. This district also permits a full range of commercial activities.

As previously discussed in this study, the City of Mesa does not have authority to regulate the airspace, or where or how aircraft are flown once they leave the ground. The City's responsibility is to ensure future development complies with the policies and goals of the *Mesa 2040 General Plan* and work with the community to promote land use compatibility. Land use compatibility is achieved by enacting land use controls. The State of Arizona gives authority to the City to establish land use controls by State statute.

## **AIRFIELD OVERLAY DISTRICT**

The Airfield Overlay District is intended to recognize the impacts and hazards associated with aircraft operations by creating Airfield Overflight Areas (AOA). These areas designate permitted land uses, public notification, and noise attenuation requirements to minimize exposure to hazards associated with aircraft and to encourage future development with compatible and supportive uses. The limits of the AOA are defined on **Exhibit 5**.







This page intentionally left blank

Within the AOA district, there are three noise contours: AOA-1, AOA-2, and AOA-3. These sub-districts are based on undated noise contours when the ordinance was adopted by the City of Mesa in 2003. The study area is located in the AOA-3 sub-district, which does not include land use limitations other than those already established in the base zoning district. However, other provisions applicable to property within the AOA-3 district include:

- Property owners in the AOA are required to record an aviation easement (including mortgagees and lien/lease holders) prior to or concurrently with the recording of a final plat, or with the issuance of a building permit, whichever occurs first. The easement will hold the City of Mesa, including Falcon Field Airport, and associated public harmless from noise, vibration, or other impacts from airport operations.
- Notification of an airport in the vicinity from sellers to all buyers of property within the AOA district.
- The following disclosure statement is required to be included on all residential and other noise-sensitive land uses at the time of purchase: *"This property, due to its proximity to a designated Airport, will experience aircraft overflights, which is expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located at the airport now and in the future may include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft, corporate and executive jets, helicopters, general aviation aircraft, aviation flight training schools using training aircraft and high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."*
- For any structures constructed in the AOA overlay district, noise attenuation shall be incorporated and reviewed at the time of a building permit. Building plans must be certified by an Arizona registered Professional Engineer/Architect. A certificate of occupancy will not be issued until those building plans demonstrate an interior noise level not to exceed a 45 decibel (dB) level for all portions where the public is received, assembly rooms, sleeping areas, noise-sensitive areas, and other areas where the ambient noise levels are expected to be low.

## AVIGATION EASEMENT

To secure both the airport and Boeing's rights of overflight in airspace over or near property, an aviation easement is recorded for all development notifying property owners of aircraft activities, such as flights, flight patterns and paths, routes, uses, and all other aircraft uses for all of the purposes and at altitudes that comply with FAA regulations, to an infinite height over that owner's land. The easement also brings attention to the effect aircraft overflight can cause, such as smoke, attendant sound and noise, vibrations, fumes, dust, fuel, and gas and lubricant particles.

The aviation easement waives both the City of Mesa (as owner of Falcon Field Airport) and the Boeing Company from claims and liabilities related to aircraft and test flight activities, and is required to be signed and filed by all property owners within the AOA, regardless of what sub-district the parcel falls in.

A copy of the aviation easement template is located in **Appendix A**.

## **CONCLUSION**

The information presented in this independent land use compatibility study outlines typical operational activity for helicopters associated with testing and training flights conducted by the Boeing Company and other helicopter operators within the study area. Boeing and other operators have been conducting frequent testing and training flights in the region north of Falcon Field Airport and over the study area since the early 1980s, and these flights will continue for the foreseeable future. These flights have a tendency to be at lower altitudes which can be considered a nuisance to certain sensitive land uses, such as residential, educational facilities, places of worship, or overnight healthcare facilities.

As examined in a previous section, the General Plan designates the study area as an Employment character area, a non-residential land use character designation intended for employment uses and opportunities, such as commercial and office uses or business parks, and not for residential land uses. It is important to note that potential development must also comply with FAA land use standards that protect land uses around the airport by restricting both the height and land use, supplanting the use and design standards identified in the character area designation.

The study area is not, therefore, a suitable location for residential land uses. The study area is more conducive to commercial or industrial development, which is more compatible to aviation activity.

## **APPENDIX A**

**City of Mesa  
Avigation Easement**





When recorded, return to:

City of Mesa  
Real Estate Department  
20 East Main Street  
Mesa, Arizona 85201

**AIRCRAFT OPERATION, SOUND AND AVIGATION EASEMENT  
AND RELEASE FOR FALCON FIELD AIRPORT AND FLIGHT OPERATIONS AT  
THE BOEING COMPANY FACILITY**

WHEREAS \_\_\_\_\_, an Arizona limited liability company ("**Owner**") is the owner of that certain parcel of land situated in the City of Mesa, Maricopa County, Arizona, consisting of approximately \_\_\_\_ acres, legally described on the attached Exhibit A, and incorporated by reference herein, (the "**Land**") and which the Owner desires to develop the Land for a residential community under the name of \_\_\_\_\_.

WHEREAS, the Owner is aware that the Land lies in an area that is subject to aircraft flight patterns overflights and operations for aircraft utilizing airspace in connection with "Falcon Field Airport," generally located at 4800 E. Falcon Drive, Mesa, AZ 85215 ("**Airport**") and also in connection with "Boeing Flight Operations," located at 5000 E. McDowell Road, Mesa, AZ 85215, as legally described on the attached Exhibit B-1 and depicted on Exhibit B-2, which are incorporated by reference herein ("**Boeing Field**").

WHEREAS, the Owner recognizes that all airspace is governed by the U.S. Code, and the U.S. Government has exclusive sovereignty of airspace in the United States. Owner is willing to develop such Land subject to the sovereign authority of the U.S. Government subject to the plans and policies developed by the Federal Aviation Administration ("**FAA**") for use of the navigable airspace including the right of flight and other airspace uses over the Land and all effects flowing therefrom.

NOW THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby fully acknowledged, Owner and its heirs, administrators, executors, occupants, users, developers, successors and assigns (collectively, "**Owner**"), does hereby give and grant to the Airport, the City of Mesa, a municipal corporation, and its respective administrators, successors and assigns (collectively, "**City**"), Boeing Field, The Boeing Company, a Delaware corporation, and its affiliates, successors and assigns (collectively, "**Boeing**"), and Aircraft users of the Airport, Airport facilities, Boeing Field, and Boeing Field facilities a perpetual, nonexclusive and appurtenant easement that runs with and benefits the land and owners of the land hereby benefited (the "**Easement**") for all avigation purposes and uses over and across the Land in connection with flights, flight patterns and paths, airspace usage, passage, operations, testing, development of Aircraft (the term "**Aircraft**" shall include any device that is used or intended to be used for flight or passage in the air or space, existing or future), and other related uses and flight or airspace activities, in, to, over, across and through all navigable airspace above the surface of the Owner's

Land in such flights, flight patterns and paths, routes, uses, and all other Aircraft uses for all of the foregoing purposes and at altitudes that are in conformance with FAA regulations and to an infinite height above such Owner's Land, which Easement shall include, but not be limited to, the right of flight of all Aircraft above, across and over the Land in such flights, flight patterns and paths, routes, and all other Aircraft uses, provided all the foregoing purposes and altitudes are in conformance with FAA regulations, together with all related inconvenience, smoke, attendant sound and noise, vibrations, fumes, dust, fuel, gas and lubricant particles, and dripping and all other effects that may be caused by the operation of Aircraft including for the purposes and uses described above and also landing at, or taking off from, touching down and departing, or operating in relation to, on, from or around the Airport and Boeing Field (the foregoing are collectively call **"Airport Operations"**).

Owner, to the fullest extent permitted by law, does further waive, release and discharge the City, Airport, Aircraft Users, Boeing, Boeing Field, and the third party beneficiaries (as described below) of and from any and all claims, causes of action, and liabilities including claims for losses or damages of any kind to persons or property that may arise now or at any time in the future from Aircraft Operations (which includes, but is not limited to, take offs, landings, flights, testing, airspace usage and passage) from, at, or around the Airport or Boeing Field and/or over or in connection with the Owner's Land above, in, to, over and through all navigable air space above Owner's Land, and on and to the surface of the Land and on and to all structures, improvements and personal property now existing or hereafter located or constructed on the Land, or any portion of the Land, whether such loss or damage shall originate from smoke, noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by any type of Aircraft Operations (which includes, but is not limited to, take offs, landings, flights, testing, airspace usage and passage); provided that such claim, cause of action or liability does not solely and exclusively arise out of either a failure to comply with an applicable FAA regulation for that flight or an expressed requirement made by the Falcon Field Airport Tower for that flight; and if either such failure occurs, this waiver, release and discharge shall not apply as to the owner of, or person or entity responsible for, that Aircraft; provided further that the foregoing waiver, release and discharge shall not apply as to liability for damage or injury to person or property caused by falling Aircraft or falling physical objects from such Aircraft, except the foregoing waiver, release and discharge does apply for inconvenience, smoke, attendant sound and noise, vibrations, fumes, dust, fuel and lubricant particles.

This Easement is granted for the above purposes and uses for the passage of all Aircraft, specifically including but not limited to military and developmental and test aircraft, present or future, by whomever owned or operated on, from, around or to the Airport and/or Boeing Field and any other airport or air facility which is or may be located at or near the site of the Airport and Boeing Field, including any future change, increase, or expansion in the boundaries of the Airport, Boeing Field, or their air facilities, including any expansion or address or location change to new areas for which there is no legal description attached hereto, the volume or nature of Airport Operations of the Airport, Boeing Field, or noise or patterns or timing of air traffic thereof.

Aircraft Users, Aircraft owners, operators, and other third party users of the Airport and Boeing Field are expressly intended to be third party beneficiaries of this Easement and are expressly granted all the same rights and benefits in this Easement and the release and discharge of and from any claims, causes of action and liabilities for any and all losses or damages as set

forth in this Easement.

Owner Desert Vista 100, LLC, an Arizona limited liability company (and any successor owner that is a developer of unimproved lots), prior to the initial sale of residential lots, shall give notice of this Easement by: (i) disclosing this Easement in the Subdivision Public Report filed with the Arizona Department of Real Estate; (ii) recording this Easement in Maricopa County Recorder's Office; and (iii) providing disclosure in compliance with Mesa City Code 11-19-5(C), which requirements include: (x) disclosure on the final subdivision plat, (y) notice to all prospective buyers at the sales offices, and (z) signage at the sales office notifying prospective buyers. Owners that are owners of improved residential lots, *i.e.*, not a developer, ("**Homeowners**") shall provide notice of this Easement to their successors, users, occupants, and tenants (collectively, "**Property Users**") of the Land, or any portion thereof; provided that the foregoing notice requirements in this paragraph are not intended to and do not require the Homeowner to provide any additional notice as part of a sale of an improved residential lot to a subsequent Homeowner other than the customary and usual information provided as part of a closing such as a title report.

The Property Users, to the fullest extent permitted by law, are bound by the terms of this Easement.

This Aircraft Operation, Sound and Avigation Easement and Release shall be binding upon Owner, Property Users and successors in interest to the Land, and any part thereof, and it is further agreed that this Easement shall be a covenant running with the Land and shall be recorded in the office of the County Recorder of Maricopa County, Arizona. Provided further, the release and discharge provisions in this Easement, to the extent permitted by law, are binding upon the Property Users of the Land.

This Easement may not be amended, modified, terminated or retracted without the prior written consent of City, Owner, and Boeing. Additionally, the unenforceability or invalidity of one or more provisions in this Easement shall not have an effect on any other provision in this Easement.

*[Signatures appear on following pages]*

EXECUTED this \_\_\_\_\_ of \_\_\_\_\_, 2020.

OWNER:

\_\_\_\_\_,  
an Arizona limited liability company

By \_\_\_\_\_

Name \_\_\_\_\_

Its \_\_\_\_\_

STATE OF ARIZONA       )  
  ) ss.  
County of Maricopa       )

The foregoing Easement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by  
\_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, an Arizona limited  
liability company, in his/her capacity as \_\_\_\_\_ of and on behalf of Owner.

\_\_\_\_\_  
Notary Public

My commission expires:

CITY OF MESA, ARIZONA,  
an Arizona municipal corporation

By\_\_\_\_\_

Name\_\_\_\_\_

Its\_\_\_\_\_

STATE OF ARIZONA       )  
  ) ss.  
County of Maricopa       )

The foregoing Easement was acknowledged before me this\_\_\_\_\_day of\_\_\_\_\_, 2020, by  
\_\_\_\_\_, the\_\_\_\_\_of the City of Mesa, Arizona, an Arizona municipal  
corporation who acknowledged that he signed the foregoing instrument on behalf of City.

\_\_\_\_\_  
Notary Public

My commission expires:

THE BOEING COMPANY,  
a Delaware corporation

By\_\_\_\_\_

Name\_\_\_\_\_

Its\_\_\_\_\_

STATE OF ARIZONA       )  
  ) ss.  
County of Maricopa       )

The foregoing Easement was acknowledged before me this\_\_\_\_\_day of\_\_\_\_\_, 2020, by  
\_\_\_\_\_, the\_\_\_\_\_of The Boeing Company, a Delaware corporation, in  
his/her capacity as\_\_\_\_\_of and on behalf of The Boeing Company.

\_\_\_\_\_  
Notary Public

My commission expires:

**Exhibit A**  
**Legal Description of the Land**  
**(appears on the following pages)**

**EXHIBIT B-1**  
**Legal Description of Boeing Field**  
**(appears on the following pages)**



**EXHIBIT B-2**  
**Depiction of Boeing Field**  
**(appears on the following page)**



[www.coffmanassociates.com](http://www.coffmanassociates.com)

KANSAS CITY  
(816) 524-3500

---

12920 Metcalf Avenue  
Suite 200  
Overland Park, KS 66213

PHOENIX  
(602) 993-6999

---

4835 E. Cactus Road  
Suite 235  
Scottsdale, AZ 85254