Instruction Sheet
Notice of Requirement for Avigation Easement

The purpose of an Avigation Easement is to provide notice to developers proposing residential development and to property owners within the area known as the "Orlando Sanford International Airport Day-Night Noise Level Contour (DNL) and Avigation Easement Boundary" (the "Avigation Easement Boundary") of aircraft overflights and noise emanating from aircraft operating at or departing from or arriving at the Orlando Sanford International Airport.

An Avigation Easement is required for following activities:

- New Development: Any applicant proposing residential development (e.g., single family, multi-family, mobile homes, town homes, condominiums, etc.) shall submit a fully executed and recorded Avigation Easement as part of the Seminole County Development Review process. The applicant must record the Avigation Easement in the Seminole County Recording Department, First Floor Annex, 301 North Park Avenue, Sanford, Florida, and submit a copy of the recorded Avigation Easement to the Seminole County Development Review Division with the first application proposing residential development within the Avigation Easement Boundary.

- Infill Development: Any applicant applying for a residential building permit shall submit a fully executed and recorded Avigation Easement to the Seminole County Building and Fire Division. The applicant must record the Avigation Easement in the Seminole County Recording Department, 1750 East Lake Mary Boulevard, Sanford, Florida, 32773, and submit a recorded copy of the Avigation Easement to the Building and Fire Division prior to issuance of a building permit.

- Avigation Easement Boundary: The Avigation Easement and related Boundary are available on line at the Internet address below or by contacting the Seminole County Development Review Division, 1101 East First Street, Sanford, Florida 32771; telephone 407-665-7330; FAX 407-665-7456, or by contacting the Seminole County Building and Fire Division at the above address; telephone 407-665-7050; FAX 407-665-7486. The Boundary and Noise Contours are viewable at:

  - http://www.scpafl.org/scpaweb05/index.jsp under Map Search, Layers, Institutional, OSIA Noise Contours, and OSIA Avigation Esmt

  This Avigation Easement Statement is available at:

  - http://www.seminolecountyfl.gov/ under Departments, Planning and Development, Development Review, Forms and Checklists

Revised June 2009

This Instrument Prepared By:
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County Attorney's Office
Seminole County Services Bldg.
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DECLARATION OF AVIGATION EASEMENT AND WAIVER

THIS DECLARATION OF AVIGATION EASEMENT AND WAIVER is made and entered into this ___ day of _____, 20__ (hereinafter referred to as the ("Declaration") by [the Property Owner(s)], whose address is [address] (hereinafter referred to as the "Declarant").

W I T N E S S E T H:

WHEREAS, Declarant represents that it is the sole record owner in fee simple of certain real property (hereinafter referred to as the "Property") located in unincorporated Seminole County, Florida, which is more particularly described on Exhibit "A" attached hereto, subject only to the mortgage(s) held by lender(s) subscribing hereto; and

WHEREAS, the Property is located in that area known as the Orlando Sanford International Airport Day-Night Noise Level Contour (DNL) and Avigation Easement Boundary (hereinafter "Avigation Easement Boundary") as adopted by the Seminole County Board of County Commissioners on May 10, 2005 (Ordinance 2005-17); and

WHEREAS, the Property is now and in the future will be subject to aircraft overflights and noise emanating from aircraft operating at or departing from or arriving at the Orlando Sanford International Airport (hereinafter "Airport").

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR ($1.00) and other good and valuable consideration, the receipt and adequacy of which DECLARANT hereby acknowledges, DECLARANT does hereby covenant and declare that all of the Property shall be held, sold, used, and conveyed subject to the following avigation easements, covenants, and waiver, which shall run with the Property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors, and assigns, grantees, invitees, and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS, AND CONVEYS to the City of Sanford, the Airport, and all persons lawfully using the Airport, the right to operate aircraft in, and the right to cause in the airspace above or near the Property, such noise as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state, and local regulations concerning operation of aircraft and use of the airport.

DECLARANT covenants and agrees that it, its successors, assigns, grantees, invitees, and tenants shall not assert, initiate, join in, or prosecute any claim, administrative proceeding, lawsuit, demand, grievance, or other cause of action, and hereby expressly waive for itself, its successors, assigns, grantees, invitees, and tenants, any claim, administrative proceeding, lawsuit, demand, grievance, or other cause of action it or they may now have, or that may arise in the future against the Airport, the commercial carriers, now or hereafter operating at the Airport, the City of Sanford, Seminole County, the State of Florida, and any successor-in-interest to the foregoing parties, and in the case of the aforementioned public agencies, their respective officers, directors, members, employees, and agents (all of the above agencies, persons, and entities hereinafter are collectively referred to as the "Benefited Parties") for any inverse condemnation, nuisance, or other action of any nature whatsoever arising out of, or related to, noise produced by aircraft operating on, within, or over the Airport, or within the Avigation Easement Boundary, including without limitation noise produced by aircraft approaching the Airport for landing or taking off from the Airport. This waiver shall not be construed, however, to bar Declarant or any successor, assign, grantee, invitee, or tenant of Declarant from asserting any claims against any person or entity for personal injury or property damage caused by or resulting from the negligent operation of an aircraft, or resulting from use of the airspace above the Property in a manner violative of applicable federal, state, or local laws or regulations.

Nothing contained herein shall be construed to restrict Declarant from building any structure on the Property which complies with all applicable laws of Seminole County, Florida and other governmental agencies having jurisdiction regarding said construction, so long as any such structure does not, because of its height or function, restrict or impede usage of the Airport by aircraft landing or taking off in the same manner as if the structure were not in existence.

This Declaration of Easement and Waiver shall bind Declarant, its successors, assigns, grantees, invitees, and tenants, and their respective successors and assigns, and all persons from time to time occupying or using the Property or any portion thereof. The acceptance by any person or entity of any right of use, deed, lease, mortgage, or conveyance of any interest in or privilege pertaining to the Property whatsoever shall constitute acknowledgement of the terms of this Declaration and agreement to be bound by all terms hereof.

This Declaration of Easement and Waiver shall be a covenant running with the land described in Exhibit "A," and shall run to the benefit of the above-described Benefited Parties, their successors and assigns.

IN WITNESS HEREOF, the DECLARANT has made and executed this DECLARATION on the date first above written.

WITNESSES: DECLARANT

_____ By:_____

Print Name:_____

_____

Print Name_____ Date:_____

STATE OF FLORIDA)
) ss
COUNTY OF_____)

I HEREBY CERTIFY that, on this __ day of _____, 20__, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ [NAMES OF DECLARANT(S)] and who is personally known to me or who has produced _____ as identification and did take an oath. He acknowledged before me that he executed the foregoing instrument.

_____
Notary Public
State of Florida
My Commission Expires:

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ATTACHMENT "A"
Legal Description provided by Applicant