

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City and County of San Francisco  
Real Estate Department  
25 Van Ness Avenue, Suite 400  
San Francisco, CA 94102

### GRANT OF AVIGATION EASEMENT

This Grant of Avigation Easement is executed and delivered as of this 13 day of December, 2021, by Gabriel Gonzalez Jr. (“GRANTOR”), and the City and County of San Francisco, a political subdivision of the State of California (“CITY” or “GRANTEE”), with reference to the following facts:

#### Recitals

A. GRANTOR is the owner of that certain property (“Real Property”), legally described in Exhibit “A,” attached hereto and incorporated herein by reference, the street address of which is: 297 Alta Vista Drive, South San Francisco, California.

B. CITY is the owner and operator of the San Francisco International Airport (SFO).

C. Pursuant to the relevant content in the Comprehensive Airport Land Use Compatibility Plan (ALUCP) for the environs of SFO, as amended, as a condition of, and prior to, approval of a permit by the relevant land use authority (city or county) for the development or improvement of property within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) boundary and higher as shown on the 2020 noise contour map in the ALUCP, the grant by GRANTOR of a permanent non-exclusive easement for the purposes set forth in Section 1 below, and rights and servitudes pertaining thereto (the “Avigation Easement”), shall be required in favor of CITY. A copy of the noise contour map for the Fourth Quarter of 2019, filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, referenced herein that illustrates the location of the GRANTOR’s Real Property is attached hereto as Exhibit “B.” The Avigation Easement shall be recorded in the chain of title in the County of San Mateo Assessor-Clerk-Recorder’s Office prior to issuance of the permit.

D. All relevant CNEL noise contour maps and grid data needed to identify the aircraft noise levels for all properties located within the 65 dB CNEL aircraft noise contour and higher, to determine the application of this Avigation Easement as stated in Section 3.2 herein, are available from the [www.flysfo.com](http://www.flysfo.com) website or from the Noise Abatement Office staff at SFO.

## **Grant of Avigation Easement**

**1. Grant.** GRANTOR, individually and for the heirs, successors and assigns of GRANTOR, hereby grants, conveys and assigns to CITY and its successors, a perpetual and assignable Avigation Easement in and over the Real Property for the purposes described herein below.

**1.1 Passage of Aircraft.** The Avigation Easement shall include for the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, of any aircraft, of any and all kinds now or hereafter known, in, through, across or about any portion of the airspace above and within the vicinity of the Real Property, with such rights of use and passage by aircraft without restriction as to frequency, type of aircraft and proximity to the surface of the Real Property, so long as the exercise of such rights is not in violation of then applicable federal laws governing flight operations.

**1.2 Noise and Other Incidental Effects.** The Avigation Easement shall include the right to cause within, and to enter or penetrate into or transmit through, any improved or unimproved portion of Real Property, and within all airspace above Real Property, such noise, sounds, vibrations, air currents, illumination, electronic interference and aircraft engine exhaust and emissions, dust, discomfort or other environmental effects incident to aircraft operations, and any and all resulting interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from SFO upon GRANTOR's Real Property.

**1.3 Interference with Air Navigation/Communications.** In furtherance of this Avigation Easement, GRANTOR covenants that it will not construct, install, permit or allow any building, structure, improvement, tree, or other object on the Real Property to constitute an obstruction to air navigation, or to use or permit the use of Real Property in such a manner as to create electrical or electronic interference with aircraft communications systems, aircraft navigation equipment, or with Federal Aviation Administration, airline, or airport personnel communication with any aircraft.

**2. Baseline.** The 65 dB CNEL noise contour shown on the quarterly noise map for the Fourth Quarter of 2019, attached as Exhibit B, shall be the basis for determining the baseline level for the GRANTOR's Real Property.

**3. Waiver of Legal Actions and Exceptions.** GRANTOR, together with its successors in interest and assigns, hereby waives its right to legal action against CITY, its successors or assigns, for monetary damages or other redress due to impacts, as described in Section 1.2 of the granted rights of easement, associated with aircraft operations in the air or on the ground at SFO, including future increases in the volume or changes in location of said operations. However, this waiver shall not apply under the circumstances specified below.

**3.1** For Property Located Outside the 65 dB CNEL Boundary. The waiver shall not be in effect for property located outside the 65 dB CNEL noise contour boundary as shown in Exhibit B, if three (3) of any four (4) quarterly noise report maps, as reported to the State of California, for any calendar year show that the noise level imposed on GRANTOR's Real Property exceeds 68 dB CNEL or higher, and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to be at or lower than 68 dB CNEL.

**3.2** For Property Located Within the 65 dB CNEL Boundary and Higher. The waiver shall not be in effect for property located within the 65 dB CNEL noise contour boundary and higher, as shown in Exhibit B, if three (3) of any four (4) quarterly noise report maps, as reported to the State of California, for any calendar year show that the noise level imposed on GRANTOR's Real Property exceeds the baseline CNEL level as stated in Section 2 by more than 3 dB CNEL (68 dB CNEL and higher), and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to have been no more than 3 dB CNEL greater than the baseline.

**3.3.** Exceptions. Any change in the noise level, as reported on a quarterly noise map for SFO filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, which reflects a change in noise level which results from the temporary increased use of certain runways, due to construction or repair of other runways, or due to any other cause or causes beyond the control of CITY (e.g., weather or wind conditions, but not flight pattern shifts authorized by the Federal Aviation Administration) shall not be used to compute the noise level imposed on GRANTOR's Real Property for the purposes of this Section 3.

**4.** Negligent or Unlawful Acts Excepted. This grant of Avigation Easement shall not operate to deprive the GRANTOR, its successors or assigns, of any rights which it may from time to time have against any air carrier or private operator for negligent and/or unlawful operation of aircraft to, from, or in or about SFO, nor does this Avigation Easement include or authorize aircraft landing, explosion, crash, or falling objects causing direct physical injury to persons or direct physical damage to property.

**5.** Easement Benefit. The Avigation Easement shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the San Francisco International Airport, and shall be deemed in gross, being conveyed to CITY for the benefit of the CITY and any and all members of the general public who may use said easement, taking off from, landing upon, or operating such aircraft in or about SFO, or otherwise flying through the airspace above or in the vicinity of Real Property.


**6.** Covenants Run with the Land. These covenants and agreements run with the land (Real Property) in perpetuity, and any grantee, heir, agent, successor, or assign of the GRANTOR who acquires

any estate or interest in or right to use Real Property shall be bound by this Avigation Easement for the benefit of CITY, and its agents, successors and assigns.

7. Termination. This Avigation Easement shall terminate and have no further force and effect if the project for which the easement was granted is not built and the permit and any permit extensions authorizing the construction of the use have expired or been revoked. Upon notification by the city or county granting the permit, CITY shall record a Notice of Termination in the chain of title in the County of San Mateo Recorder's Office.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 13 day of December, 2021.

**GRANTOR**

By:   
Name: GABRIEL GONZALEZ JR.  
Title: OWNER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

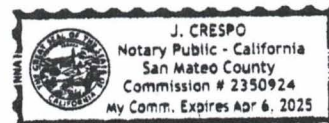
State of California )  
County of San Mateo )

On 12/13/2021, before me J. Crespo a Notary Public, personally appeared Gabriel Gonzalez JR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature J. Crespo



**CERTIFICATE OF ACCEPTANCE**

As required under Government Code Section 27281, this is to certify that the interest in real property conveyed by the Grant of Avigation Easement dated \_\_\_\_\_, from \_\_\_\_\_ (“Grantor”), to the City and County of San Francisco, a municipal corporation (“Grantee”), is hereby accepted by order of its Board of Supervisors’ Resolution No. \_\_\_\_\_, adopted on \_\_\_\_\_, and Grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation

By: \_\_\_\_\_  
Andrico Penick  
Director of Property

APPROVED LEGAL DESCRIPTION

By: \_\_\_\_\_  
Bradley Luken  
SFO Chief Surveyor

Attachments: Exhibit “A” – Legal Description of Real Property  
Exhibit “B” – Quarterly Noise Map Depicting Location of Real Property

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**

Real Property in the unincorporated area of the County of San Mateo, State of California,  
described as follows:

LOT 14 IN BLOCK C, AS SHOWN ON THAT MAP ENTITLED TRACT NO. 534, MAP NO. 1, COUNTY CLUB PARK, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON MAY 9, 1941, IN BOOK 23 OF MAPS, AT PAGES 54, 55, AND 56, AS ATTACHED HERETO AND MADE PART HEREOF.

APN: 013-122-150

TRACT NO. 534  
MAP NO. I

# COUNTRY CLUB PARK

SAN MATEO COUNTY, CALIFORNIA.

APRIL 1941 | SCALE 1" = 100'

WILLIS G. FROST CIVIL ENGINEER

City & Co. of San Francisco

On this 31st day of MAY 1941, before me, \_\_\_\_\_, a Notary Public in and for the City and County of San Francisco, State of California, residing at \_\_\_\_\_, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed. I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires \_\_\_\_\_  
Notary Public in and for the City & Co. of San Francisco, State of California.

The undersigned hereby certify that they are the owners of the land described in said map, and that they hereby consent to the preparation and recordation of this map.

## EXHIBIT "A"

### LEGAL DESCRIPTION OF PROPERTY

CALIFORNIA PACIFIC TITLE & TRUST CO  
a corporation  
by \_\_\_\_\_ Vice President  
at \_\_\_\_\_

THE SAN FRANCISCO BANK a corporation  
by \_\_\_\_\_ Secretary

State of California } ss  
City & Co. of San Francisco }  
I, \_\_\_\_\_ Notary Public in and for the City and County of San Francisco, State of California, being duly commissioned and sworn, personally appeared \_\_\_\_\_ and \_\_\_\_\_ known to me to be the Vice President and Assistant Secretary respectively of the California Pacific Title & Trust Co, a corporation, the corporation that executed the within instrument, and also known to me to be the persons who executed the same on behalf of the corporation therein named, and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires \_\_\_\_\_  
Notary Public in and for the City & Co. of San Francisco, State of California.

I hereby certify that I am a registered Civil Engineer of the State of California, that the map shown hereon and the survey thereon were made under my direction, that said survey and shown upon said map were and compute the positions indicated thereon as the map base was placed in the ground and that the basis of bearings on said map is the bearing of the northwesterly line of that certain parcel of land conveyed by Final Realty Company map to M.L. Frost by deed recorded November 29 1928 in Book 985-1 Official Records at page 18 San Mateo County Records.

WILLIS G. FROST  
Registered Professional Engineer  
No. 52

I, M. H. Augustus, County Clerk, and ex-officio clerk of the Board of Supervisors of the County of San Mateo, State of California, do hereby certify that a resolution adopted at a regular meeting of said Board, duly convened and held on the day of \_\_\_\_\_ 1941 did approve the within map entitled, TRACT NO. 534, MAP NO. 1, COUNTRY CLUB PARK, SAN MATEO COUNTY, CALIFORNIA, and did accept on behalf of the public all the parcels designated upon said map, as being offered for dedication to public use in conformity with the terms of said order of dedication.

DAVID MAYS 9-1941  
County Clerk - Ex-Officio Clerk of the Board of Supervisors.

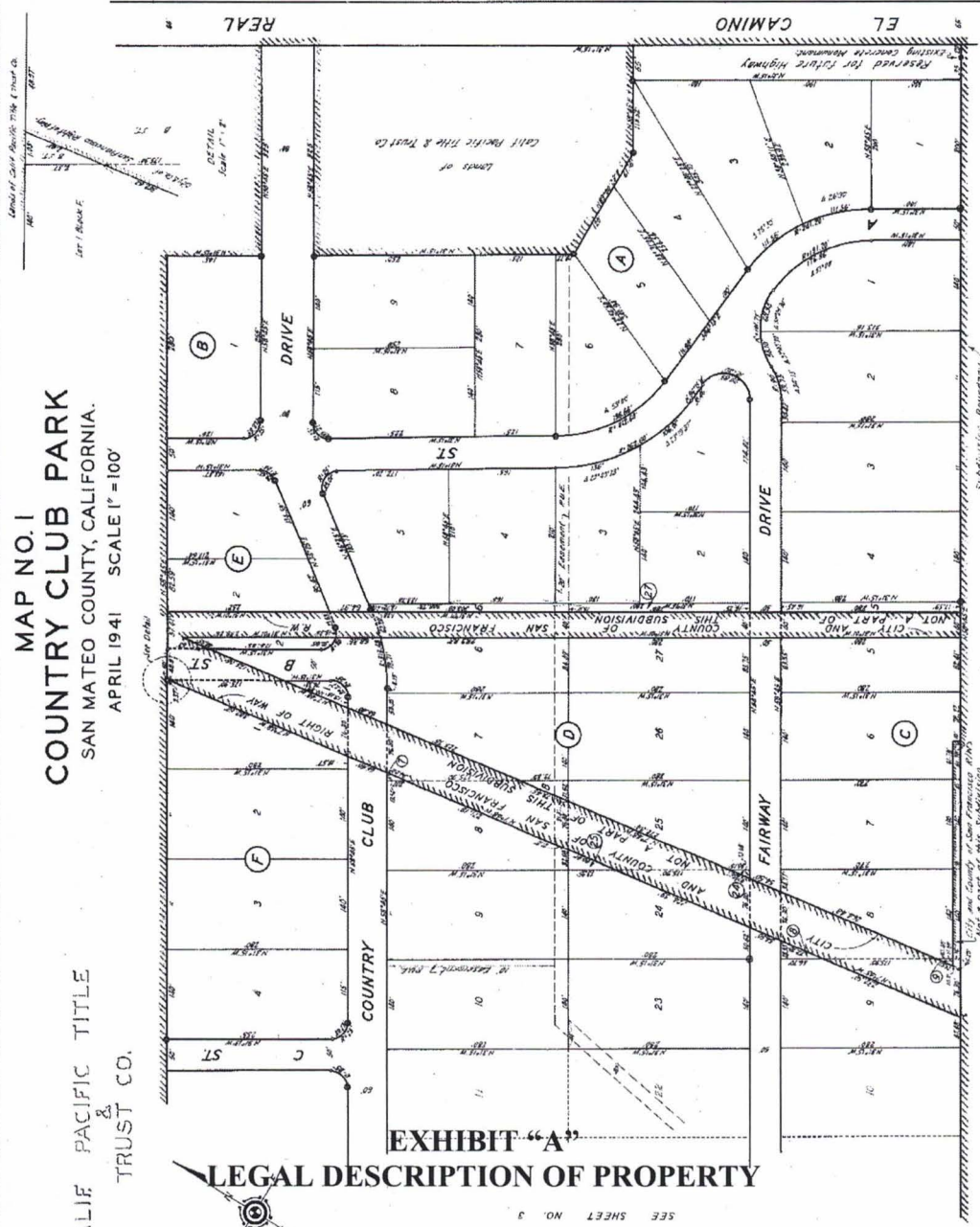
FILE NO. 201086  
Accepted for record and recorded in Volume 23 of Official Maps at page 28, 25 and 26 in the office of the Recorder of the County of San Mateo of California, this 31st day of May 1941, at 1:10 P.M.

Note: This map consists of (3) three sheets.



**MAP NO. 1**  
**COUNTRY CLUB PARK**  
 SAN MATEO COUNTY, CALIFORNIA.  
 APRIL 1941 SCALE 1" = 100'

CALIF PACIFIC TITLE  
 &  
 TRUST CO.

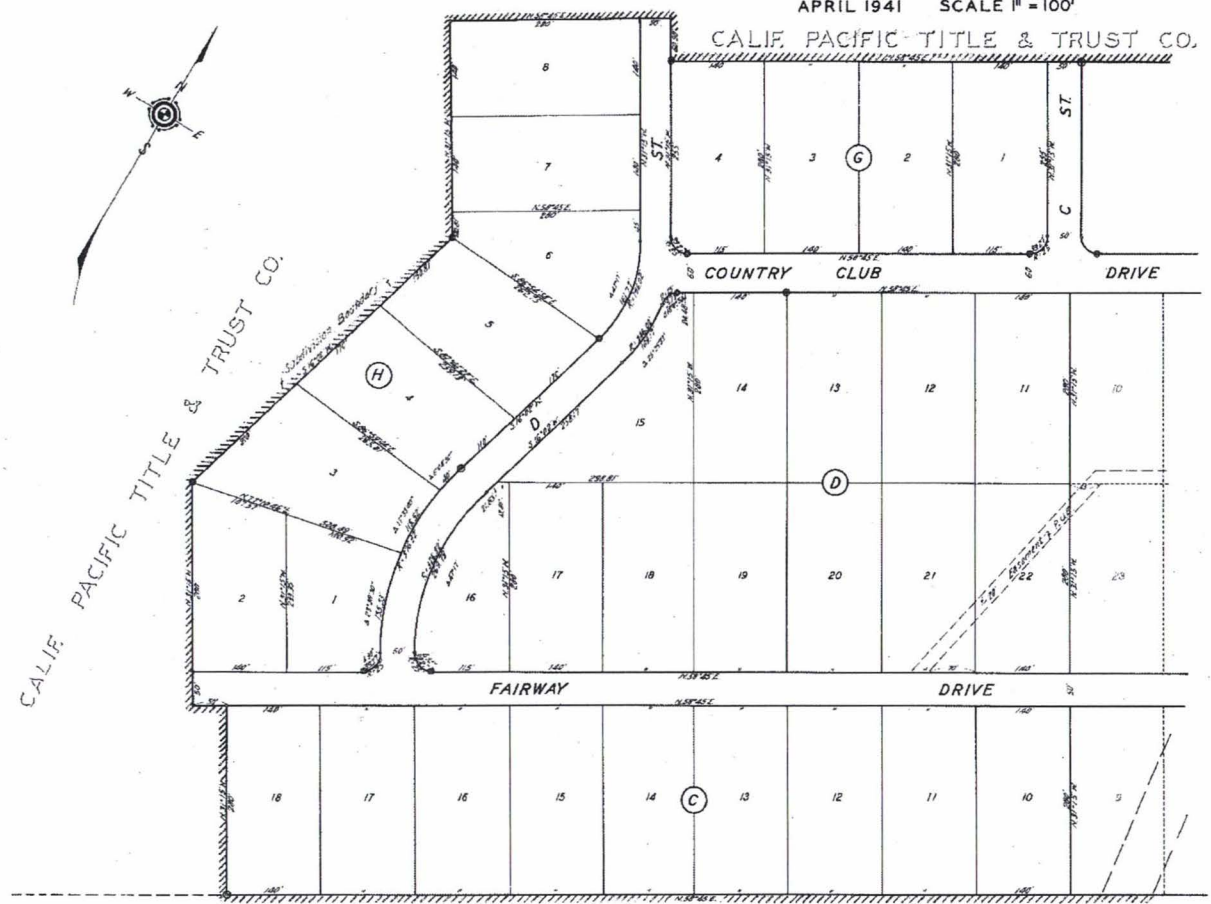


**EXHIBIT 4A**  
**LEGAL DESCRIPTION OF PROPERTY**

SEE SHEET NO. 3

HARRY C. MCNALLY ET AL

MAP NO. I  
**COUNTRY CLUB PARK**  
 SAN MATEO COUNTY, CALIFORNIA.  
 APRIL 1941 SCALE 1" = 100'



CALIF. PACIFIC TITLE & TRUST CO.

HARRY C. MC NALLY ET AL

SEE SHEET NO. 2

SHEET NO. 3 OF 3 SHEETS

**EXHIBIT "B"**  
**QUARTERLY NOISE MAP DEPICTING LOCATION OF REAL PROPERTY**



**LEGEND**

- 297 Alta Vista Drive, South San Francisco, California
- 
- CNEL 65 dB Noise Contour
- 

**NOTES:**

- CNEL – Community Noise Equivalent Level
- dB – Decibel

SOURCES: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, November 2019 (aerial photography – for visual reference only, may not be to scale); San Francisco Airport Commission, 2019 (noise contour, property address).

**NORTH**

0 7,000 ft

**EXHIBIT A**

2019 QUARTER FOUR NOISE MAP DEPICTING  
297 ALTA VISTA DRIVE, SOUTH SAN FRANCISCO, CALIFORNIA