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27-Jan-2006 2006-0003245

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NAPA COUNTY COUNTY RECORDER

RECORDING REQUESTED BY AND PLEASE RETURN TO:

Clerk, Board of Supervisors
for the County of Napa
1195 Third Street, Room 310
Napa, California 94559

Exempt from recording fees,
Gov. Code § 27383

APN 046-400-042

**AVIGATION AND HAZARD
EASEMENT DEED**

FOR GOOD AND SUFFICIENT CONSIDERATION, the receipt of which is hereby acknowledged, **SILVERADO SUSCOL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**, ("Grantor"), hereby grants to the COUNTY OF NAPA ("Grantee"), a political subdivision of the State of California, an easement and right-of-way ("said easement") appurtenant to the Napa County Airport ("the airport") for the unobstructed passage of aircraft in the airspace within those imaginary approach, transition, horizontal and conical zones, as defined and described in Chapter 11.08 of the Napa County Code and depicted on those diagrams attached hereto as Exhibits "A," "B," and "C," and incorporated by reference herein. In the event of discrepancy between Chapter 11.08 and said Exhibits, the text of the former shall govern. For the purpose of this instrument, the term "aircraft" shall refer to any contrivance, by whomsoever owned or operated, which is designed or used for navigation in the air.

Said easement extends over all of the following real property ("the property") owned by Grantor, which is illustrated on Exhibit "D" attached hereto and incorporated by reference herein:

All that certain real property situated in the County of Napa, State of California, described as follows:

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Napa County Assessor's Parcel Number 046-400-042

All that real property situated entirely within the Tulocay Rancho, in the County of Napa, State of California, and being a portion of Parcels "D", "E" "F", "G" and "H" shown on the map entitled, "Parcel Map of the Lands of Napa East Limited Partnership and Napa South Limited Partnership", filed December 21, 1998 in Book 22 of Parcel Maps at Pages 84-90, in the office of the County Recorder of said Napa County, and being more particularly described as follows:

Beginning at the most Southwestern corner of Parcel "E" as shown on said Parcel Map; Thence, along the Western and Northern lines of said Parcel "E", North 12° 50' 52" West, 927.12 feet; Thence North 12° 13' 06" West, 1,304.32 feet to the beginning of a curve concave to the Northeast having a radius of 195.00 feet and to which beginning a radial line bears, South 77° 46' 54" West; Thence, 88.37 feet along the said curve to the right through a central angle of 25° 58' 00"; Thence on a non-tangent line, North 88° 33' 50" East, 1272.33 feet, to the South line of the parcel of land described in the deed to Silverado Premium Properties, LLC, a Delaware Limited Liability Company, recorded August 7, 2001 as Series Number 2001-0026721 of official records of Napa County; Thence along the exterior boundary lines of said Silverado Premium Parcel (2001-0026721) and the parcel of land described in the deed to Chalone Wine Group, Ltd., recorded August 7, 2001 as Series Number 2001-0026722 of official records of Napa County; Thence along said parcels (2001-0026721 and 2001-0026722) the following Thirty-five (35) courses and distances: 1) South 01° 26' 10" East, 75.28 feet; 2) South 81° 30' 42" East, 80.46 feet; 3) South 25° 35' 33" East, 79.70 feet; 4) North 89° 01' 37" East, 96.86 feet; 5) North 29° 40' 44" East, 100.81 feet; 6) South 83° 48' 40" East, 223.62 feet; 7) South 85° 35' 28" East, 169.96 feet; 8) North 75° 33' 38" East, 106.70 feet; 9) South 69° 22' 34" East, 172.77 feet; 10) South 35° 07' 30" East, 119.89 feet; 11) South 47° 58' 44" East, 182.06 feet; 12) South 48° 23' 40" East, 159.60 feet; 13) South 57° 31' 25" East, 158.76 feet; 14) South 70° 24' 42" East, 413.48 feet; (15) North 85° 15' 45" East, 77.95 feet; 16) South 77° 57' 03" East, 427.52 feet; 17) South 31° 39' 04" West, 79.38 feet; 18) North 89° 03' 54" East, 653.94 feet; 19) South 34° 39' 13" East, 82.27 feet; 20) South 20° 29' 47" East, 394.82 feet; 21) South 45° 06' 49" West, 45.00 feet; 22) South 49° 43' 32" West, 202.53 feet; 23) South 44° 01' 31" West, 91.63 feet; 24) South 36° 56' 05" West, 194.52 feet; 25) South 23° 35' 51" East, 67.95 feet; 26) South 18° 47' 40" East, 68.62 feet; 27) South 20° 21' 30" East, 35.30 feet; 28) South 33° 43' 11" East, 26.52 feet; 29) South 65° 48' 19" East, 26.87 feet; 30) South 71° 58' 33" East, 59.29 feet; 31) South 77° 53' 06" East, 81.47 feet; 32) South 86° 11' 20" East, 109.29 feet; 33) South 83° 42' 13" East, 44.38 feet; 34) South 79° 05' 12" East, 38.69 feet; 35) South 46° 18' 52" East, 120.07 feet; Thence leaving said parcels (2001- 0026721 and 2001-0026722) and following along three undefined courses described as the approximate centerline of Soscol Creek, and the Tulocay Rancho Boundary Line as shown on the Napa County Assessor's Map, Book 46 page 40, to a point on the boundary line of said parcels (2001-0026721 and 2001-0026722) the following Three (3) courses and distances: 1) North 38° 14' 26" West, 160.52 feet; 2) North 66° 50' 09" West, 81.72 feet; 3) North 82° 05' 58" West, 116.46 feet; Thence continuing, South 81° 08' 47" West, 280.94 feet; Thence, South 59° 37' 26" West, 322.77 feet; Thence along the Eastern and Northern lines of the Settle property as recorded at Series Number 1992 031041 of official records of Napa County and shown on the said parcel map, North 06° 01' 26" East, 232.99 feet; Thence, North 80° 22' 34" West, 160.95 feet; Thence North 82° 54' 34" West, 192.28 feet; Thence North 64° 26' 34" West, 126.98 feet; Thence North 38°

00' 34" West, 25.67 feet; Thence North 10° 22' 34" West, 66.71 feet; Thence North 32° 12' 34" West, 84.82 feet; Thence South 76° 25' 26" West, 298.04 feet; Thence South 61° 32' 26" West, 148.60 feet to the Southwest corner of said Settle property; Thence leaving the Eastern and Northern lines of said Settle property to the most easterly corner of the Napa County Assessor's Parcel Number 046-400-043, and as said corner is shown on the Parcel Map 22 PM 87; thence, along the northerly line of said Assessor's Parcel and following along the said Said Tolcay Rancho Boundary line, North 21° 12' 20" West, 159.26 feet to the beginning of a nontangent curve concave to the Northwest having a radius of 400.00 feet and to which beginning a radial line bears North 36° 28' 20" West; Thence Southwesterly 45.35 feet along the arc of said curve through a central angle of 06° 29' 45"; Thence South 60° 01' 25" East, 119.02 feet to the beginning of a tangent curve to the right with a radius of 200.00 feet; Thence Southwesterly 25.11 feet through a central angle of 07° 11' 37"; Thence South 67° 12' 59" West, 198.15 feet to the beginning of tangent curve to right with a radius of 550.00 feet; Thence Southwesterly 132.86 feet through a central angle of 13° 50' 26"; Thence South 81° 03' 24" West, 258.55 feet to the beginning of a tangent curve to left with a radius of 500.00 feet; Thence Southwesterly 340.73' through a central angle of 39° 02' 41"; Thence South 42° 00' 44" West, 143.24 feet; Thence South 11° 38' 17" East, 153.75'; Thence, leaving said Rancho boundary line, South 65° 43' 46" West, 462.64 feet; Thence North 12° 50' 52" West, 229.28 feet to the Point of Beginning.

Excepting therefrom that certain parcel of land lying on the Northwest corner of said parcel "E", being a 5.97 acre parcel owned by Pacific Gas and Electric Company, as said parcel is described in Book 599 O.R. Page 564, records of said County, and described as follows:

Beginning at the Northwesterly corner of said parcel "E"; Thence along a South 88° 33' 50" West 81.02 feet tie to a ¾" iron pipe monument; Thence along a South 78° 02' 10" East 328.98 foot tie to the true point of beginning; Thence North 83° 09' 50" East 442.07 feet; Thence South 12° 16' 10" East 568.78 feet; Thence South 77° 43' 50" West 440.08 feet; Thence North 12° 16' 10" West 610.64 feet to the true point of beginning; Thence along a North 78° 02' 10" West 328.98 feet tie to the said ¾" iron pipe monument; Thence along a South 88° 33' 50" West, 81.02 feet to the Point of Beginning .

The net area of the Parcel herein described, APN 046-400-042, being approximately 143.26 acres as shown on said Assessor's Parcel Map.

Together with Exhibit B - Plat of Avigation Easement Parcel, Page 3 of 3, attached hereto and made a part hereof.

Also known as Assessor's Parcel Number 046-400-042 on the Assessor's Maps in effect on the date of the execution of this Deed, a portion of which is attached as Exhibit "D".

In the event of discrepancy between the foregoing description of the property and the map set forth in Exhibit "D", the foregoing description shall govern.

Said easement includes the right to cause noise, vibrations, fumes, dust, and the emission of fuel particles by the operation of aircraft in the airspace and on the ground, but shall not include the right of any aircraft to dump or otherwise release onto the property any non-combusted fuel or other hazardous substances.

Said easement and right-of-way also includes the continuing right of Grantee to prevent the erection or growth upon the property and permit the removal of any building, structure, tree, or other object extending into the prohibited airspace to the extent and with the exceptions described in Chapter 11.12 of Title 11 of the Napa County Code, together with the right of ingress to, egress from, and passage over the property for the purpose of exercising said rights.

Grantor hereby covenants:

1. That during the life of said easement it will not erect or permit the erection or growth of, or permit to remain upon said property any building, structure, tree, or other object extending into said prohibited airspace, except to the extent permitted by Chapter 11.12 of Title 11 of the Napa County Code.

2. That within a reasonable time after written notice from Grantee to Grantor which specifies with particularity the interfering use, it will discontinue or modify to the reasonable satisfaction of the County the use of the property in any manner that in the reasonable opinion of the County: creates electrical interference with radio communication between any installation upon the airport and aircraft operating in or around the airport; interferes with the ability of the operators of such aircraft to distinguish between airport lights and other lights; impairs visibility in the vicinity of the airport; or otherwise endangers the landing, take off, or maneuvering of aircraft in or around the airport.

3. That it hereby fully waives and releases any right to any cause of action that it has or may have in the future against Grantee arising out of noise, vibrations, fumes, dust or the emission of fuel particles that may be caused by the operation of aircraft in or around the airport, other than release onto the property of non-combusted fuel or other hazardous substances.

Grantor expressly reserves all rights and privileges in said property that may be exercised and enjoyed without interference with said easement and the foregoing covenants.

This grant of easement shall not operate to deprive the Grantor, his successors or assigns, of any rights which any of them may from time to time have against any carrier, private operator or the County of Napa in relation to negligent or unlawful operation of aircraft or the airport.

This grant of easement and all rights, covenants, waivers, and reservations pertaining thereto or reserved therefrom shall bind Grantor and its heirs, executors, administrators, successors and assigns, and shall inure to the Grantee, its successors and assigns, for the use and benefit of the public until such time as the airport shall cease to be used for public airport purposes.

DATED this 21st day of December, 2005.

By:

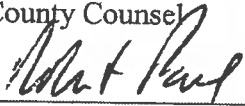

MARK COUCHMAN

Managing Member of Silverado Suscol, LLC

“Grantor”

APPROVED AS TO FORM:
ROBERT WESTMEYER,
Napa County Counsel

By



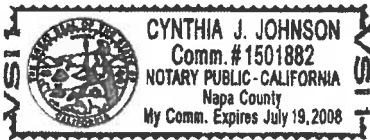
Date

12-21-05

NOTARIZATIONS

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On December 21, 2005, before me, Cynthia J. Johnson, personally appeared Mark E. Couchman, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose names(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.



WITNESS my hand and official seal.

Cynthia J. Johnson
Notary Public

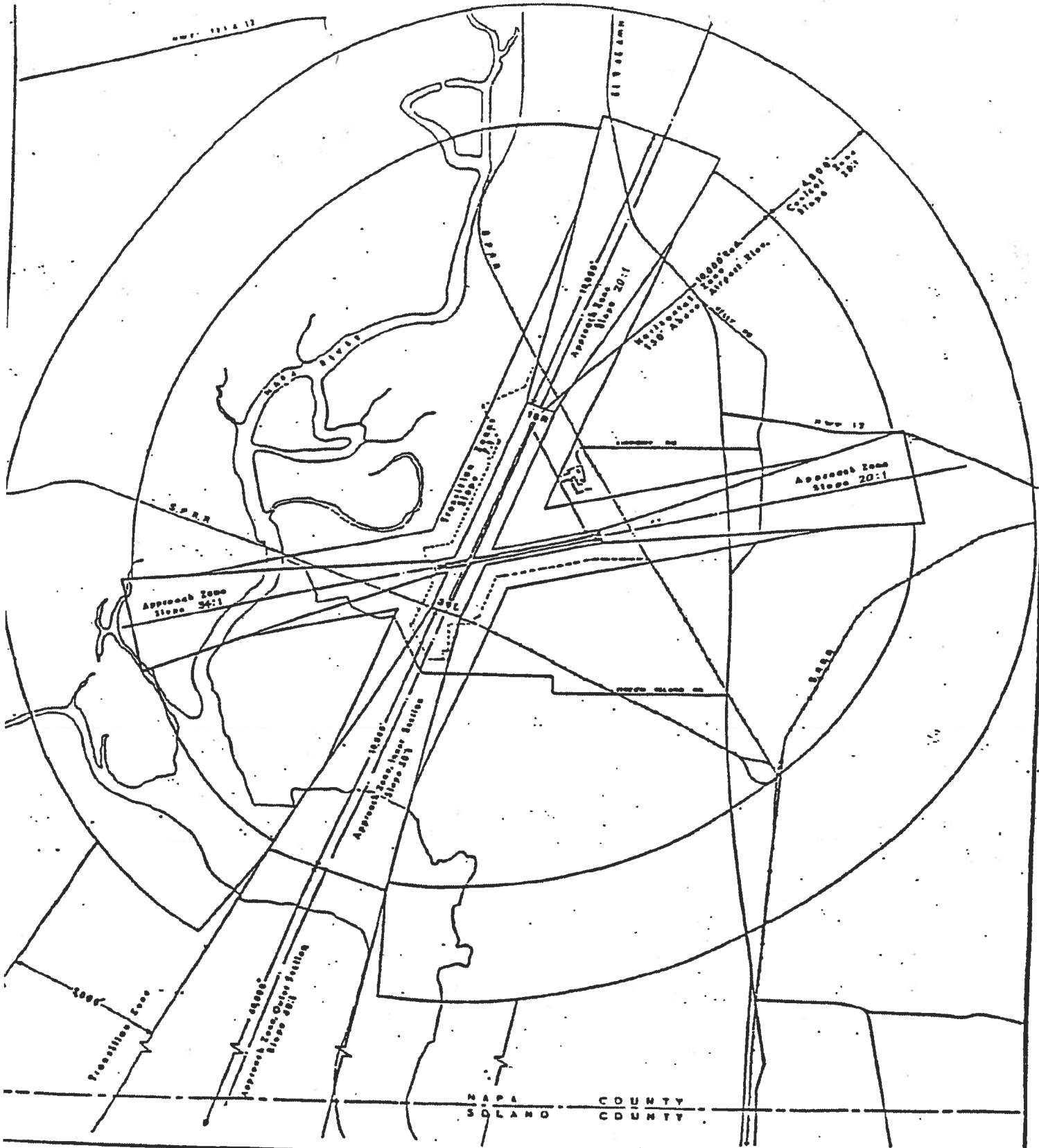


Exhibit 'A'

NAPA COUNTY AIRPORT SAFETY ZONE

August, 1995

APN 046-400-042

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by that certain AVIGATION AND HAZARD EASEMENT DEED dated December 31, 2005 from SILVERADO SUSCOL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, to the COUNTY OF NAPA, a political subdivision of the State of California, is hereby accepted by order of the Board of Supervisors of said County of Napa on January 24, 2006, and Grantee consents to recordation thereof by its duly authorized officer.

Dated January 24, 2006.



BILL DODD, CHAIR of the Board of Supervisors of the County of Napa, State of California

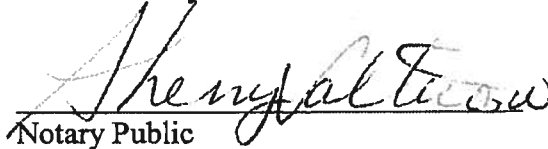


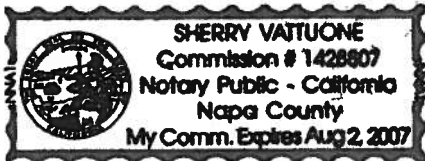
PAMELA MILLER, Clerk of the Board of Supervisors

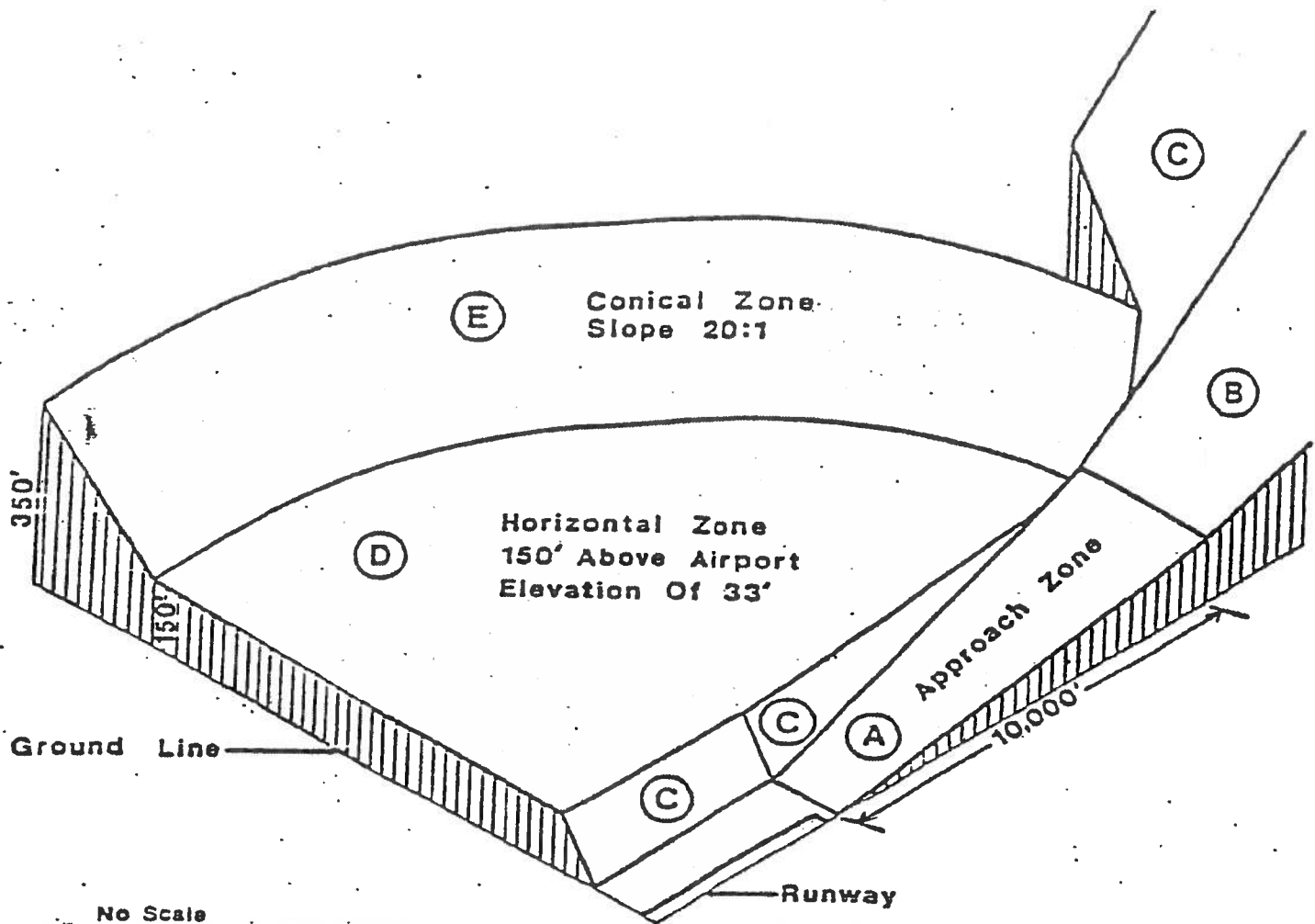
STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On January 24, 2006 before me, Sherry Vattuone, personally appeared Bill Dodd personally known to me ~~OR~~ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public



- A - PRECISION INSTRUMENT APPROACH ZONE - SLOPE 50:1.
NON-PRECISION INSTRUMENT APPROACH ZONE - SLOPE 34:1.
- B - OUTER SECTION EXTENDS 40,000' AND FLARES TO 16,000' IN WIDTH - THIS APPLIES ONLY TO RUNWAY 36 L TO THE SOUTH - SLOPE 40:1.
- C - TRANSITION ZONES - SLOPE 7:1 - EXTENDS 5,000' FROM EDGE OF OUTER SECTION.
- D - HORIZONTAL ZONE EXTENDS 10,000' FROM END OF RUNWAYS.
- E - CONICAL ZONE EXTENDS 4,000' FROM EDGE OF HORIZONTAL ZONE.

Exhibit "C"

ISOMETRIC VIEW OF AIRPORT SAFETY ZONES

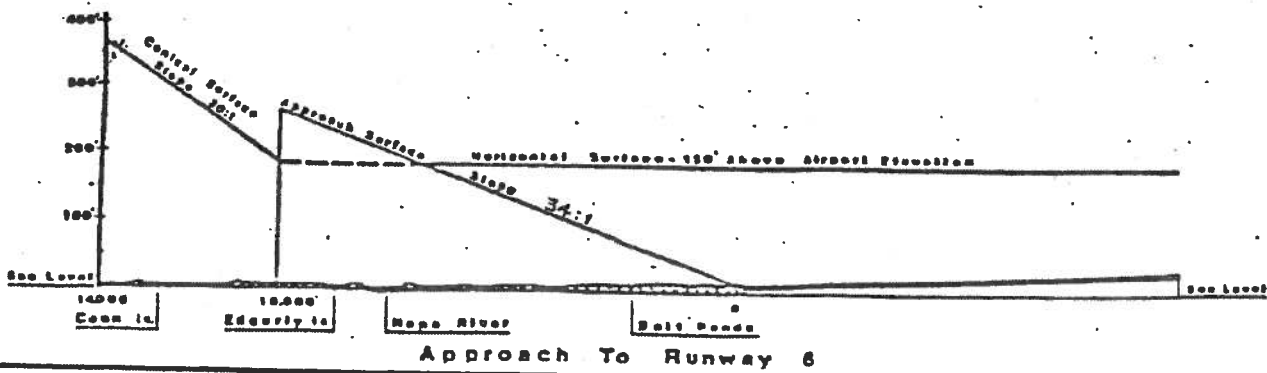
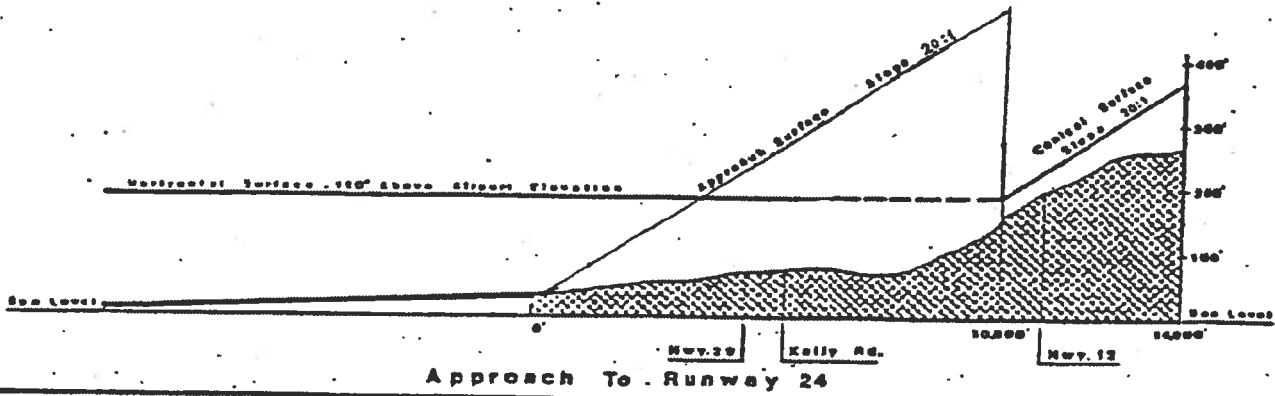
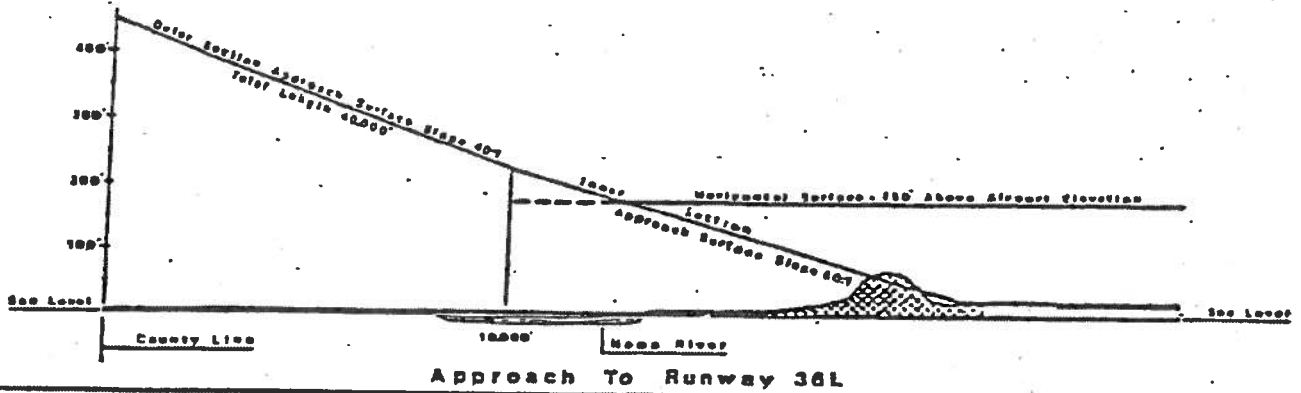
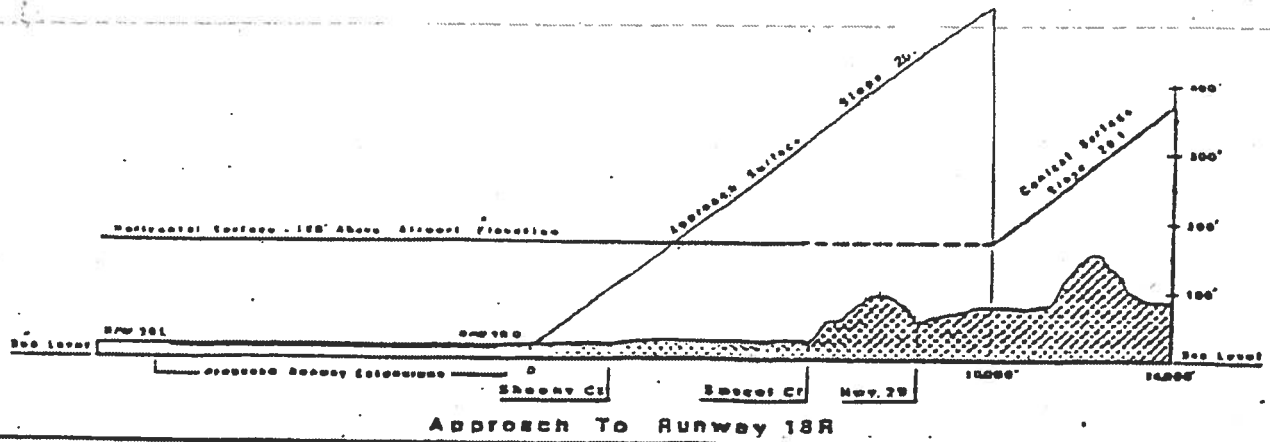


Exhibit "B"

APPROACH ZONE CROSS SECTIONS

August, 1995

HILLSIDE CHRISTIAN CENTER
APN: 046-400-023
 35.15± ACRES
 (22 PM 85)

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	195.00'	25°58'00"	88.37'
C2	400.00'	6°29'45"	45.35'
C3	200.00'	7°11'37"	25.11'
C4	550.00'	13°50'26"	132.86'
C5	500.00'	39°02'41"	340.73'



SCALE: 1" = 600'

APN: 046-400-039
 160.0± ACRES

LANDS OF PG&E
APN: 046-400-004
 SBE: 135-28-9-1
 (13 M 33)
 (599 O.R. 564)
 5.97± ACRES
 (13 M 33)

SILVERADO SUSCOL, LLC
APN: 046-400-042
 143.26± ACRES

SOSCOCREEK ROAD

P.O.B
 (PARCEL E)

APN: 046-400-043

APN: 046-400-041

APPROXIMATE BOUNDARY LINES BEING THE CENTERLINE OF
 SOSCOCREEK & TULOCAY RANCHO BOUNDARY LINE
 AS PER NAPA COUNTY ASSESSOR'S PARCEL MAPS

LINE TABLE								
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S12°50'52"E	927.12'	L21	S89°03'54"W	653.94'	L41	S82°05'58"E	116.46'
L2	S12°13'06"E	1304.32'	L22	N34°39'13"W	82.27'	L42	N81°08'47"E	280.94'
L3	S88°33'50"W	1272.33'	L23	N20°29'47"W	394.82'	L43	N59°37'26"E	322.77'
L4	N01°26'10"W	75.28'	L24	N45°06'49"E	45.00'	L44	S06°01'26"W	232.99'
L5	N81°30'42"W	80.46'	L25	N49°43'32"E	202.53'	L45	S80°22'34"E	160.95'
L6	N25°35'33"W	79.70'	L26	N44°01'31"E	91.63'	L46	S82°54'34"E	192.28'
L7	S89°01'37"W	96.86'	L27	N36°56'05"E	194.52'	L47	S64°26'34"E	126.98'
L8	S29°40'44"W	100.81'	L28	N23°35'51"W	67.95'	L48	S38°00'34"E	25.67'
L9	N83°48'40"W	223.62'	L29	N18°47'40"W	68.62'	L49	S10°22'34"E	66.71'
L10	N85°35'28"W	169.96'	L30	N20°21'30"W	35.30'	L50	S32°12'34"E	84.82'
L11	S75°33'38"W	106.70'	L31	N33°43'11"W	26.52'	L51	N76°25'26"E	298.04'
L12	N69°22'34"W	172.77'	L32	N65°48'19"W	26.87'	L52	N61°32'26"E	148.60'
L13	N35°07'30"W	119.89'	L33	N71°58'33"W	59.29'	L53	S21°12'20"E	159.26'
L14	N47°58'44"W	182.06'	L34	N77°53'06"W	81.47'	L54	N60°01'25"E	119.02'
L15	N48°23'40"W	159.60'	L35	N86°11'20"W	109.29'	L55	N67°12'59"E	198.15'
L16	N57°31'25"W	158.76'	L36	N83°42'13"W	44.38'	L56	N81°03'24"E	258.55'
L17	N70°24'42"W	413.48'	L37	N79°05'12"W	38.69'	L57	N42°00'44"E	143.24'
L18	S85°15'45"W	77.95'	L38	N46°18'52"W	120.07'	L58	N11°38'17"W	153.75'
L19	N77°57'03"W	427.52'	L39	S38°14'26"E	160.52'	L59	N65°43'46"E	462.64'
L20	N31°39'04"E	79.38'	L40	S66°50'09"E	81.72'	L60	S12°50'52"E	229.28'

Quiet River Land Services, Inc.
 5873 W. Los Positos Blvd., Suite 215
 Pleasanton, California 94588
 (925) 734-6788 Phone
 (925) 734-6732 Fax

PLAT OF AVIGATION EASEMENT PARCEL

LANDS OF SILVERADO SUSCOL, LLC
 500 SOSCOCREEK ROAD

NAPA NAPA COUNTY CALIFORNIA
 METR4054 | DRN. BY: MAS | CHK. BY: KMM | DATE: 12/02/05

