

"EXHIBIT A"

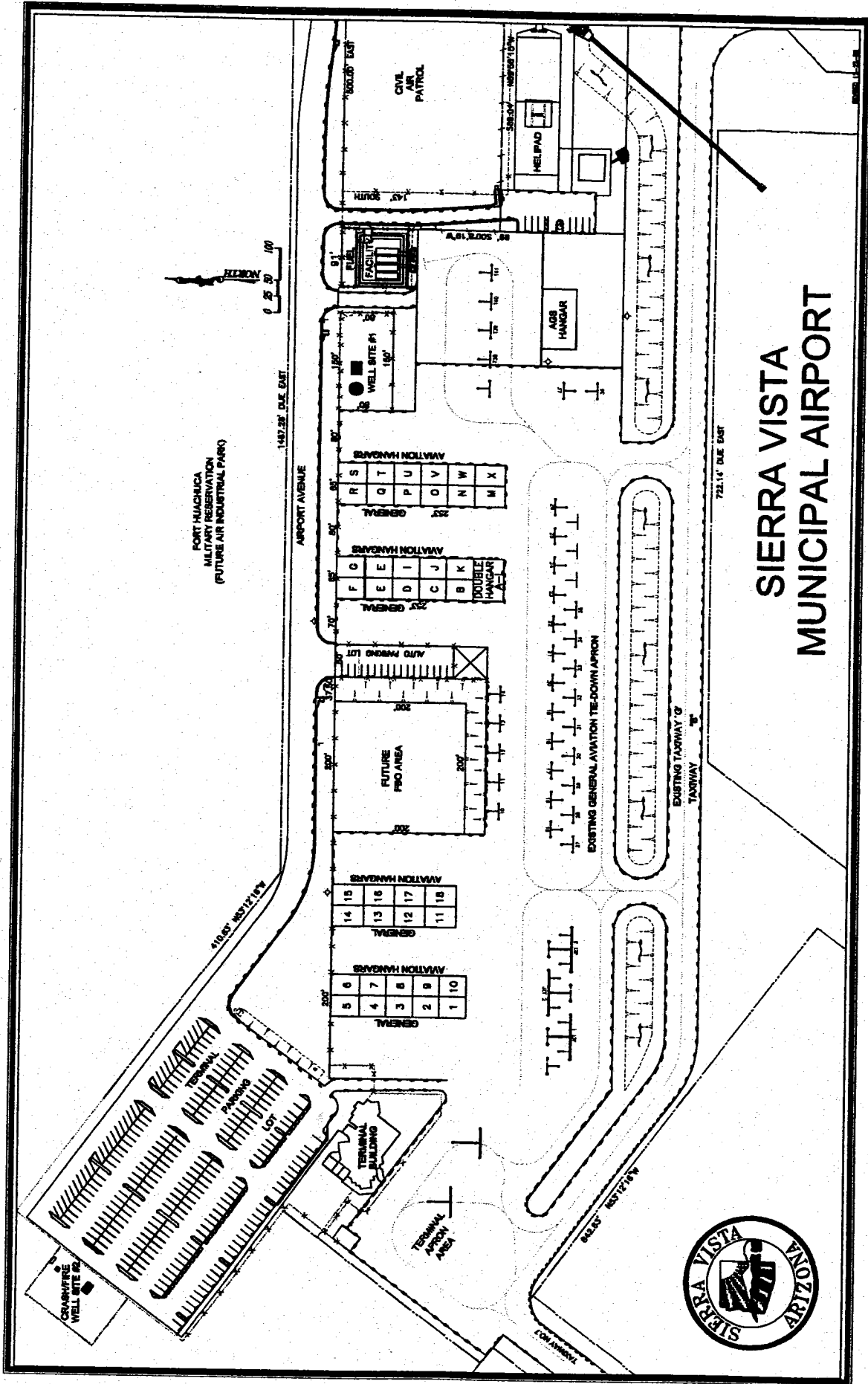


EXHIBIT "B"

DEED WITHOUT WARRANTY

THIS DEED, made this 16TH day of SEPTEMBER, 19 82,
by and between the UNITED STATES OF AMERICA, Grantor, acting by and through the
Secretary of the Army, under and pursuant to the powers and authority contained in
Section 23 of the Airport and Airways Development Act of 1970 (84 Stat. 232; 49
U.S.C. 1723) and in conformity with Part 154 of Title 14 and Section 0.67 of Title
28 of the Code of Federal Regulations and Executive Order No. 12079, 43, Fed. Reg.
42233 (1978) and in accordance with the request of the Administrator of the Federal
Aviation Administration (herein called the "Administrator"), and the CITY OF SIERRA
VISTA, a municipal corporation of the State of Arizona, Grantee.

WHEREAS, it has been determined that the conveyance requested by the Admin-
istrator is not inconsistent with the needs of the Department of the Army.

WITNESSETH: That the Grantor, in consideration of the benefits which shall
accrue to the public by virtue of the use of the property hereinafter described for
public airport purposes, does hereby bargain, sell, grant and convey without war-
ranty, express or implied, subject to the conditions, covenants and reservations
hereinafter set forth, unto the Grantee all of its right, title and interest in and
to the following described land, to-wit:

PARCEL A

PUBLIC TERMINAL AREA

A parcel of land situate in the Fort Huachuca Military Reservation being a
portion of the projected but unsurveyed Section 20, Township 21 South, Range 20 East,
Gila and Salt River Meridian, in the County of Cochise, State of Arizona, described
as follows, basis of bearings being Transverse Mercator Grid, East Zone, Arizona:

Commencing at a plastic capped pin, L.S. 11845, on the West right-of-way line
of State Highway 90, said point being on the North line of Section 20, located approx-
imately 445.96 feet West of the Northeast corner of Section 20; thence South 21° 19'
22" East a distance of 598.52 feet to an aluminum capped pipe, said point being marked
F.H.M.R. 1932; thence South 33° 25' 48" West a distance of 2,010.71 feet to a three-
inch brass monument in concrete, tagged P.E. 11712; thence West a distance of 160.87
feet to a half-inch steel pin tagged P.E. 11712; said point being the TRUE POINT OF
BEGINNING: Thence South a distance of 650.00 feet to a half-inch steel pin tagged
P.E. 11712; thence West a distance of 722.12 feet to a half-inch steel pin tagged P.E.
11712; thence South 36° 47' 44" West a distance of 666.22 feet to a plastic capped pin,
P.E. 1270; thence North 53° 12' 16" West a distance of 100.00 feet to a two-inch brass
monument in concrete, tagged P.E. 1270; thence North 36° 47' 44" East a distance of
380.00 feet to a half-inch steel pin tagged P.E. 11712; thence North 53° 12' 16" West
a distance of 842.63 feet to a half-inch steel pin tagged P.E. 11712; thence North 36°
47' 44" East a distance of 700.00 feet to a half-inch steel pin tagged P.E. 11712;
thence South 53° 12' 16" East a distance of 410.63 feet to a half-inch steel pin
tagged P.E. 11712; thence East a distance of 900.31 feet to a half-inch steel pin
tagged P.E. 11712, said point being the TRUE POINT OF BEGINNING.

Containing 25.60 acres, more or less.

- DKT 1635 PAGE 266

PARCEL B

ACCESS ROAD

A parcel of land situate in the Fort Huachuca Military Reservation being a portion of the projected but unsurveyed Section 20, Township 21 South, Range 20 East, Gila and Salt River Meridian, in the County of Cochise, State of Arizona, described as follows, basis of bearings being Transverse Mercator Grid, East Zone, Arizona:

Commencing at a plastic capped pin, L.S. 11845, on the West right-of-way line of State Highway 90, said point being on the North line of Section 20, located approximately 445.96 feet West of the Northeast corner of Section 20; thence South 21° 19' 22" East a distance of 598.52 feet to an aluminum capped pipe, said point being marked F.H.M.R. 1932; thence South 33° 25' 48" West a distance of 2,010.71 feet to a three-inch brass monument in concrete, tagged P.E. 11712; thence West a distance of 160.87 feet to a half-inch steel pin tagged P.E. 11712; said point being the TRUE POINT OF BEGINNING: Thence South a distance of 80.00 feet to a half-inch steel pin tagged P.E. 11712; thence East a distance of 613.92 feet to a half-inch steel pin tagged P.E. 11712; thence North 52° 46' 22" East a distance of 1,298.75 feet to a half-inch steel pin tagged P.E. 11712, said point being on the West right-of-way line of State Highway 90; thence North 21° 18' 37" West along said West right-of-way line a distance of 83.19 feet to a half-inch steel pin tagged P.E. 11712; thence South 52° 46' 22" West a distance of 1,294.62 feet to a half-inch steel pin tagged P.E. 11712; thence West a distance of 586.98 feet to a half-inch steel pin tagged P.E. 11712, said point being the TRUE POINT OF BEGINNING.

Containing 3.48 acres, more or less.

AND the Grantor, pursuant to the authority cited above and for the same consideration, hereby grants without warranty, express or implied, unto the said Grantee:

A license for a term not to exceed five years from the date of this deed for the operation and maintenance of existing public airport terminal facilities, pending the reestablishment thereof on Parcel A, on the following described land, to wit:

PARCEL C

CONDITIONAL USE AREA

A parcel of land situate in the Fort Huachuca Military Reservation being a portion of the projected but unsurveyed Section 20, Township 21 South, Range 20 East, Gila and Salt River Meridian, in the County of Cochise, State of Arizona, described as follows, basis of bearings being Transverse Mercator Grid, East Zone, Arizona:

Commencing at a plastic capped pin, L.S. 11845, on the West right-of-way line of State Highway 90, said point being on the North line of Section 20, located approximately 445.96 feet West of the Northeast corner of Section 20; thence South 21° 19' 22" East a distance of 598.52 feet to an aluminum capped pipe, said point being marked F.H.M.R. 1932; thence South 33° 25' 48" West a distance of 2,010.71 feet to a three-inch brass monument in concrete, tagged P.E. 11712; thence West a distance of 160.87 feet to a half-inch steel pin tagged P.E. 11712; thence South a distance of 650.00 feet to a half-inch pin tagged P.E. 11712, said point being the TRUE POINT OF BEGINNING: Thence West a distance of 722.12 feet to a half-inch steel pin tagged P.E. 11712; thence South 36° 47' 44" West a distance of 666.22 feet; thence North 53° 12' 16" West a distance of 100.00 feet; thence North 36° 47' 44" East a distance of 380.00 feet to a half-inch steel pin tagged P.E. 11712; thence North 53° 12' 16" West a distance of 716.90 feet; thence South 36° 46' 38" West a distance of 380.00 feet; thence South 53° 12' 16" East a distance of 716.78 feet; thence South 53° 12' 16" East a distance of 100.00 feet; thence South 53° 12' 16" East a distance of 632.48 feet; thence North 36° 47' 35" East a distance of 718.83 feet; thence North 41° 21' 17" East a distance of 1,207.89 feet; thence West a distance of 613.92 feet; thence South a distance of 570.00 feet to the TRUE POINT OF BEGINNING.

Containing 24.28 acres, more or less.

DKT 1635 PAGE 267

A non-exclusive easement to use the runways and taxiways at Libby Army Airfield, Ft. Huachuca, Arizona, said runways and taxiways being situate on the following described land, to-wit:

PARCEL D

JOINT-USE RUNWAY AND TAXIWAY AREA

A parcel of land situate in the Fort Huachuca Military Reservation being a portion of the projected but unsurveyed Sections 19, 20, and 29, Township 21 South, Range 20 East, Gila and Salt River Meridian, in the County of Cochise, State of Arizona; described as follows, basis of bearings being Transverse Mercator Grid, East Zone, Arizona:

Commencing at a plastic capped pin, L.S. 11845, on the West right-of-way line of State Highway 90, said point being on the North line of Section 20, located approximately 445.96 feet West of the Northeast corner of Section 20; thence South $21^{\circ} 19' 22''$ East a distance of 598.52 feet to an aluminum capped pipe, said point being marked F.H.M.R. 1932; thence South $33^{\circ} 25' 48''$ West a distance of 2,010.71 feet to a three-inch brass monument in concrete, tagged P.E. 11712; thence West a distance of 160.87 feet to a half-inch steel pin tagged P.E. 11712; thence South a distance of 650.00 feet to a half-inch steel pin tagged P.E. 11712, said point being the TRUE POINT OF BEGINNING: Thence West a distance of 722.12 feet; thence South $36^{\circ} 47' 44''$ West a distance of 666.22 feet; thence North $53^{\circ} 12' 16''$ West a distance of 100.00 feet; thence North $36^{\circ} 47' 44''$ East a distance of 380.00 feet; thence North $53^{\circ} 12' 16''$ West a distance of 842.63 feet; thence North $36^{\circ} 47' 44''$ East a distance of 495.04 feet; thence North $53^{\circ} 12' 16''$ West a distance of 2,411.67 feet; thence South $36^{\circ} 47' 44''$ West a distance of 2,718.11 feet; thence South $89^{\circ} 59' 44''$ West a distance of 7,621.49 feet; thence South $00^{\circ} 00' 16''$ East a distance of 2,200.00 feet; thence North $89^{\circ} 59' 44''$ East a distance of 8,671.99 feet; thence South $80^{\circ} 47' 54''$ East a distance of 5,408.90 feet; thence North $00^{\circ} 00' 16''$ West a distance of 3,065.35 feet; thence South $89^{\circ} 59' 31''$ West a distance of 1,478.59 feet to the TRUE POINT OF BEGINNING.

Containing 861.78 acres, more or less.

THIS GRANT is subject to the following covenants and conditions which the Grantee, by acceptance of this deed, assumes for itself and its successors and assigns, as covenants running with the land:

1. That the property interests herein conveyed will be used by the Grantee and its assigns solely for public airport purposes in connection with the joint use of Libby Army Airfield, Ft. Huachuca, Arizona, with the Department of the Army and its assigns.
2. That the joint use of the runways and taxiways at the said airfield by the Grantee and its assigns shall be subject to all applicable laws, regulations and ordinances and to such rules and regulations as may be prescribed from time to time by the Department of the Army. The Department of the Army will, however, consult with the Grantee prior to establishing new rules or regulations affecting the Grantee's use of the runways and taxiways.
3. That the joint use of the runways and taxiways at the said airfield by the Grantee and its assigns shall not interfere or be incompatible with the use of the said facilities by the Department of the Army and the Department of the Army may temporarily suspend or limit civil aviation operations to avoid interference with military operations at the said airfield; provided: That the Grantee

shall be given notice of any impending temporary suspension or limitation as far in advance as practicable.

4. That the Department of the Army shall be under no obligation to operate or maintain the Government-owned airport facilities, including, but not limited to, the runways, taxiways, navigational aids, and tower, at Libby Army Airfield, and in no way guarantees that it will continue to provide such operation and maintenance. In the event that the Department of the Army does not operate or maintain the joint-use area, the Grantee may, at its own expense, operate and/or maintain the area.

5. That the Grantee or its assigns may improve or alter the existing runways, taxiways and appurtenances thereto or portions thereof and/or construct new runways, taxiways and appurtenances thereto within Parcel D identified above; provided: That any such improvements, alterations and/or construction shall conform with all applicable laws and rules, regulations and specifications of the Federal Aviation Administration and the Department of the Army.

6. That the Grantee shall not transfer or assign the property interests herein conveyed without approval of the Department of the Army; provided: That the granting of leases, concessions, permits, licenses and similar rights or privileges on Parcel A identified above shall not be construed as a transfer or assignment.

7. That the Grantee shall neither operate nor contribute funds for the operation of any other airport facilities or landing strips within the vicinity of Libby Army Airfield which in the opinion of the Commander, Fort Huachuca, Arizona, would constitute a hazard to operations at Libby Army Airfield.

8. That the Department of the Army reserves the right to enter into separate agreements with third parties for use of the runways and taxiways at Libby Army Airfield. Any agreement entered into by the Department of the Army necessitating accommodations on Area A will require the third party to negotiate with the Grantee for such accommodations. The Grantee, provided it does not operate and maintain the runways and taxiways, shall not charge landing fees for either commercial or general aviation purposes at Libby Army Airfield without the approval of the Department of the Army.

9. That the Grantee shall provide available accommodations on Parcel A identified above to each third party having an agreement with the Department of the Army allowing the use of the joint use area; provided: That the terms and conditions regarding such accommodations shall be as negotiated between said third party and the Grantee. Third parties under agreement with the Department of the Army will be granted use of available accommodations in Parcel A required to fulfill such agreement at rates and under conditions no less favorable than those granted to any other party using Parcel A.

10. That unless otherwise approved by the Department of the Army, all air-traffic in the restricted air space and the air pattern for Libby Army Airfield and on the runways and taxiways at Libby Army Airfield will be under the sole operational control of the Department of the Army. Notwithstanding the foregoing, no weather briefings will be furnished by the Department of the Army. The Grantee will provide a public telephone which can be used for the filing of flight plans and obtaining weather briefings from the appropriate FAA flight service stations (FSS). Nothing in this condition or elsewhere in the deed shall be construed as an obligation on the part of the Department of the Army to provide any services whatsoever to the Grantee or others.

11. That the Grantee shall be responsible for providing any emergency or other required servicing and/or maintenance for civil aircraft utilizing the facilities at Libby Army Airfield.

12. That the Grantee and the Commander, Fort Huachuca, Arizona, shall enter into such separate agreements regarding mutual assistance in case of crash, fire, rescue, or other emergency, as appropriate; provided: That the terms of such agreements are not inconsistent with the terms and conditions of this deed.

DAT 1635 PAGE 269