

graph (1), second sentence, this obligation shall extend to permission for removal of depressions. If, in a particular case, the reduction or removal of obstacles to aviation is not feasible, the taking of measures necessary for the safety of aviation must be permitted.

(2) The right of the owner or other titleholder and any obligation existing under other legal provisions to take such measures at their own expense, shall not be affected.

Article 17

In the case of authorization of landing areas and glider landing areas the aviation authorities may provide that the agency having jurisdiction to grant building permits permit the erection of buildings within a radius of 1.5 kilometers of the point corresponding to the reference point of the airdrome only with the consent of the aviation authorities (area subject to limited building restrictions). Article 12, paragraph (4), 13, 15, and 16 shall be applicable accordingly to the area subject to limited building restrictions.

Article 18

The extent of the area subject to building restrictions shall be made known or made public in the usual manner to the owners of property within the areas subject to building restrictions and to others entitled to the use or usufruct of such property and to the mortgages thereof insofar as they are known to the authority having jurisdiction or may be found in the land register.

Article 19

(1) If the owner or other person entitled thereto suffers any financial detriment caused by measures taken under Articles 12 and 14 to 17, an adequate compensation in money shall be paid therefor. Thereby the loss of use, damage to, or destruction of the property shall be taken into consideration and the interests of the public and the persons concerned shall be equitably balanced. For financial detriment which are not directly connected with the restriction, compensation shall be paid to the persons mentioned in the first sentence if and to the extent that this appears equitable to avoid or compensate for undue hardship.

(2) If the person entitled thereto omits a modification of the usufruct which is imputable to him, the compensation shall be diminished by the value of the income that would have accrued to him if he had exercised the modified usufruct.

(3) If buildings or other obstacles to aviation (Article 15) whose removal or modification without compensation may be ordered under the law in force are removed or modified in whole or in part by the measures under Article 16, a compensation shall be paid only if it is deemed advisable for reasons of equity. If they are permitted for a limited time and the term has not expired, a compensation shall be paid according to the relative length of the remaining time to the whole term.

(4) Mortgagees who are not entitled to the use or usufruct of the property shall have redress from the compensation of the owner in accordance with Articles 52 and 53 of the introductory law (Einführungsgesetz) to the Civil Code.

(5) The compensation shall be paid by the contractor of the airdrome in the cases of Article 12 and by the operator of the airport in