

# LAND USE ISSUES

## LAND RELEASE or CONCURRENT USE

Chad Oliver, FAA • Terry Tappenbeck, IDA • Kathy Comrie, IDA • Ambra Knox, CMT

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# Intro to Land Releases & Concurrent Use

- Airports that have received Airport Improvement Program (AIP) funds are considered “obligated” and must adhere to certain terms and conditions in exchange for receiving federal funds.
- The AIP grant terms and conditions are included with each grant and contain the “Grant Assurances”.
- There are 39 total Grant Assurances, but our subject today will only deal with 6.
- In addition to the Grant Assurances, there is also an FAA Order and a Policy & Procedures Memo (PPM) that provide additional guidance in this area.

# Intro to Land Releases & Concurrent Use

## ◎ The following Grant Assurances apply:

- #4: Good Title
- #5: Preserving Rights and Powers
- #21: Compatible Land Use
- #35: Airport Revenues
- #29: Airport Layout Plan/Exhibit “A”
- #31: Disposal of Land

# Intro to Land Releases & Concurrent Use

FAA Policy & Procedures  
Memo (PPM) 5190.6

FAA Order 5190.6B,  
“Airport Compliance Manual”  
Chapters 22 & 23



[http://www.faa.gov/airports/great\\_lakes/airports\\_resources/ppms/media/5190-6.pdf](http://www.faa.gov/airports/great_lakes/airports_resources/ppms/media/5190-6.pdf)

[http://www.faa.gov/airports/resources/publications/orders/compliance\\_5190\\_6/](http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/)

# Intro to Land Releases & Concurrent Use

- Any property, when described in a grant or defined by an airport layout plan (ALP) or listed in the Exhibit “A” property map, is considered to be “dedicated” or obligated property for airport purposes. If any of the dedicated property is not needed for present or future airport purposes, a land release or concurrent use approval from the FAA is required.

# Intro to Land Releases & Concurrent Use

- A “land release” is defined as the formal, written authorization discharging and relinquishing the FAA’s right to enforce an airport’s contractual obligations. In some cases, the release is limited to releasing the sponsor from a particular assurance or federal obligation (i.e. release from aeronautical use). In other cases, a release may permit disposal (sale) of certain airport property.

# Intro to Land Releases & Concurrent Use

- ◎ The FAA is not required to grant a land release or approve concurrent use.
- ◎ Factors to consider:
  - Is it reasonable and practical?
  - How will this affect needed aeronautical facilities?
  - Will this benefit civil aviation?
  - Is this compatible with the needs of civil aviation?

# Intro to Land Releases & Concurrent Use

- ◎ There are two basic types of land releases:
  - 1) Release from aeronautical use: Airport retains ownership of land, but land is no longer required to be used for aeronautical purposes.
  - 2) Release and removal of dedicated property: Airport sells land and is no longer responsible to maintain it as dedicated airport property.

# Intro to Land Releases & Concurrent Use

- Any funds received by the airport (rent) for a release from aeronautical use should be based on fair market rent and are considered airport revenue.
- Any funds received by the airport for the sale and release of dedicated airport property should be based on fair market value and are considered airport revenue. In some cases, the FAA may require reimbursement if the land was acquired with federal funds.

# Intro to Land Releases & Concurrent Use

- Concurrent use can be considered if aeronautical land is to remain in use for its primary aeronautical purpose but may also be used for a compatible revenue producing non-aeronautical purpose.
- Concurrent use requires FAA approval, but no formal release is necessary.
- Any funds received by the airport (rent) for a concurrent use should be based on fair market rent and are considered airport revenue.

# Intro to Land Releases & Concurrent Use

- ⦿ Airports may also request an Interim Use of dedicated airport property.
- ⦿ Interim use is limited to 5 years with 3 years being preferred.
- ⦿ Interim use represents a temporary arrangement for the use of airport land for non-aeronautical purposes. Therefore, it must be anticipated that the interim use will end and the land will be returned to aeronautical use.

# Land Release and Concurrent Use

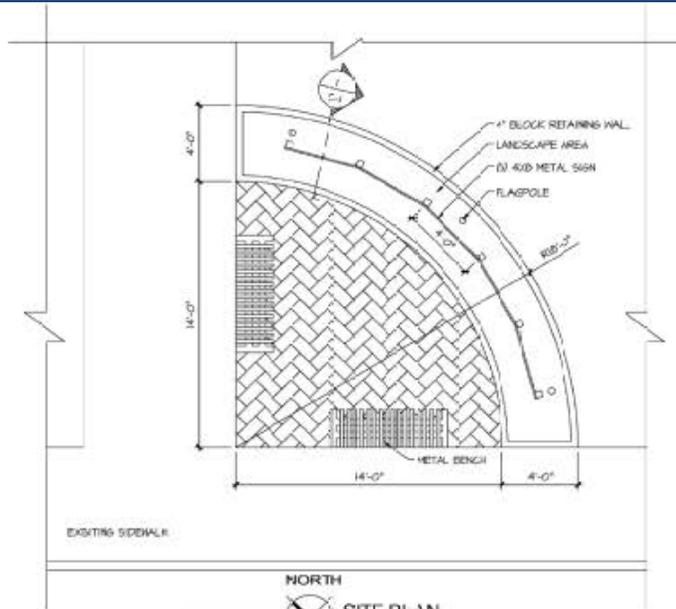
Project Examples

# Concurrent Land Use Categories

- ⦿ Memorials
- ⦿ Education Facilities
- ⦿ National Guard Facilities
- ⦿ Business Parks
- ⦿ Utility Easements
- ⦿ Roads

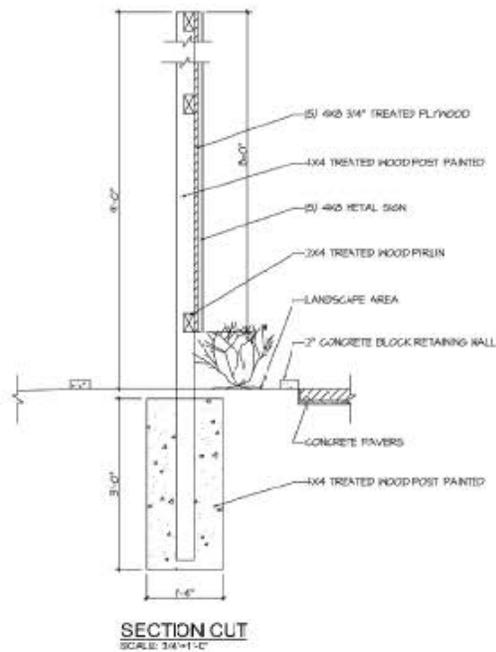
# MEMORIALS

- ◎ Typically small tracts
- ◎ Concurrent Land Use process required
- ◎ Sponsor
  - Responsible for cost
  - Not revenue producing
  - Sensitive

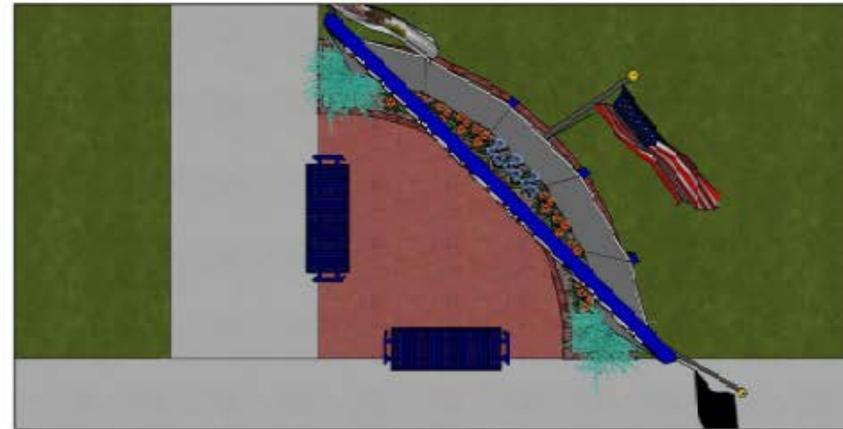


EXISTING SIDEWALK

NORTH  
 **SITE PLAN**  
 SCALE: 1/8"=1'-0"



**SECTION CUT**  
 SCALE: 3/4"=1'-0"



PLAN VIEW

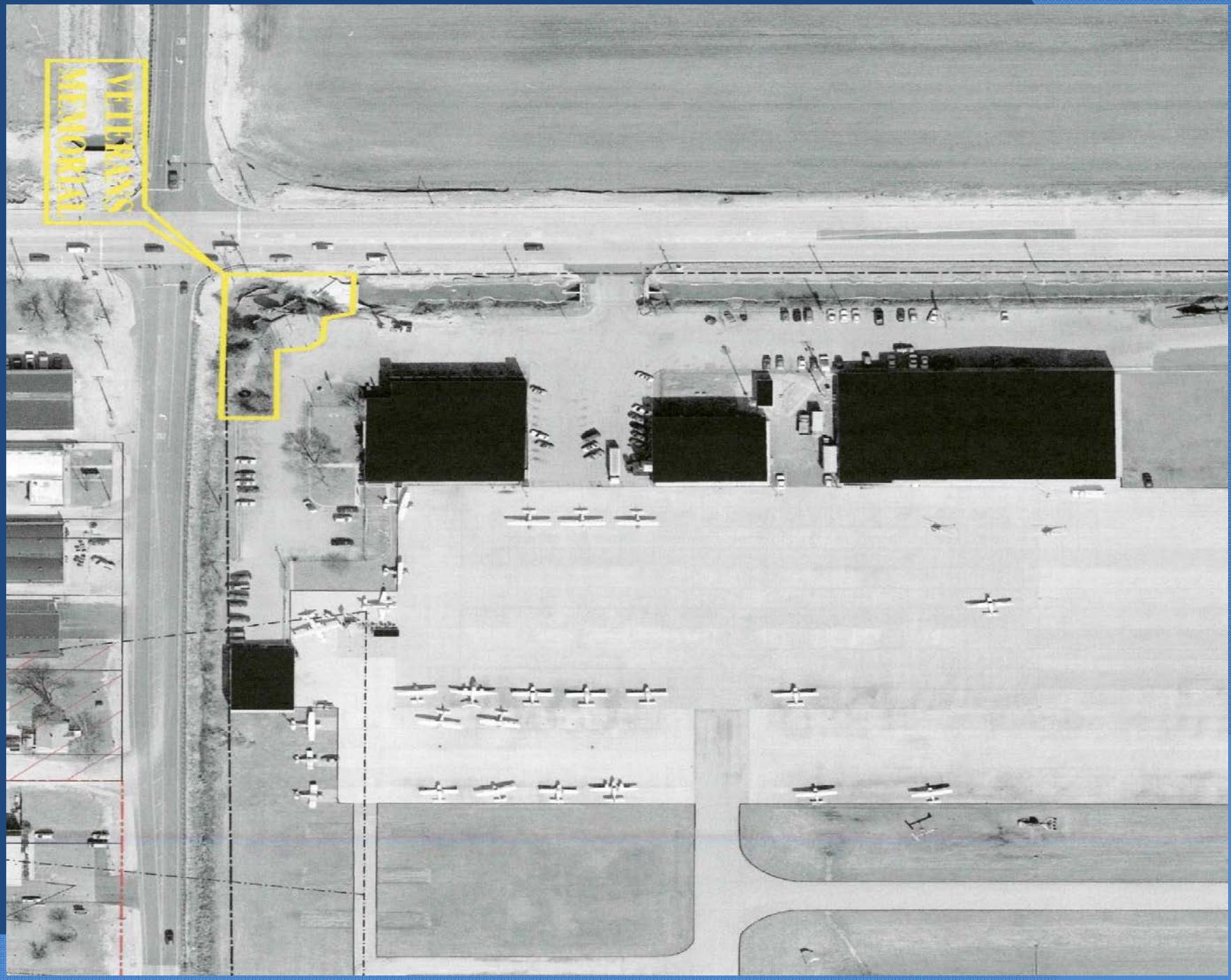


NORTH EAST PERSPECTIVE

**JEFFERSON COUNTY HEROES MEMORIAL**  
**MT. VERNON OUTLAND AIRPORT**

Brian P. Edmison & Associates LLC  
 Architecture - Planning - Interior Design - Construction Management

VILLIAMS  
MEMORIAL





# Education Facility

- ◎ Interim Concurrent Land Use
  - Allowed construction to begin
  - Lease with limited term
  - Sponsor responsible for Concurrent Land Use process
    - Provide letter of explanation
- ◎ Construction underway
- ◎ Land Release
  - In progress

TEC  
3 buildings  
200,000 s/f



08.04.2011 10:07



# National Guard Facility

- ⦿ Typically Concurrent Land Use
  - Release of Aeronautical Use of Land
- ⦿ Various lease term
  - 15 years with renewal, 50 years
- ⦿ Various lease rate
  - FMV lease rate, no charge (provide benefits)

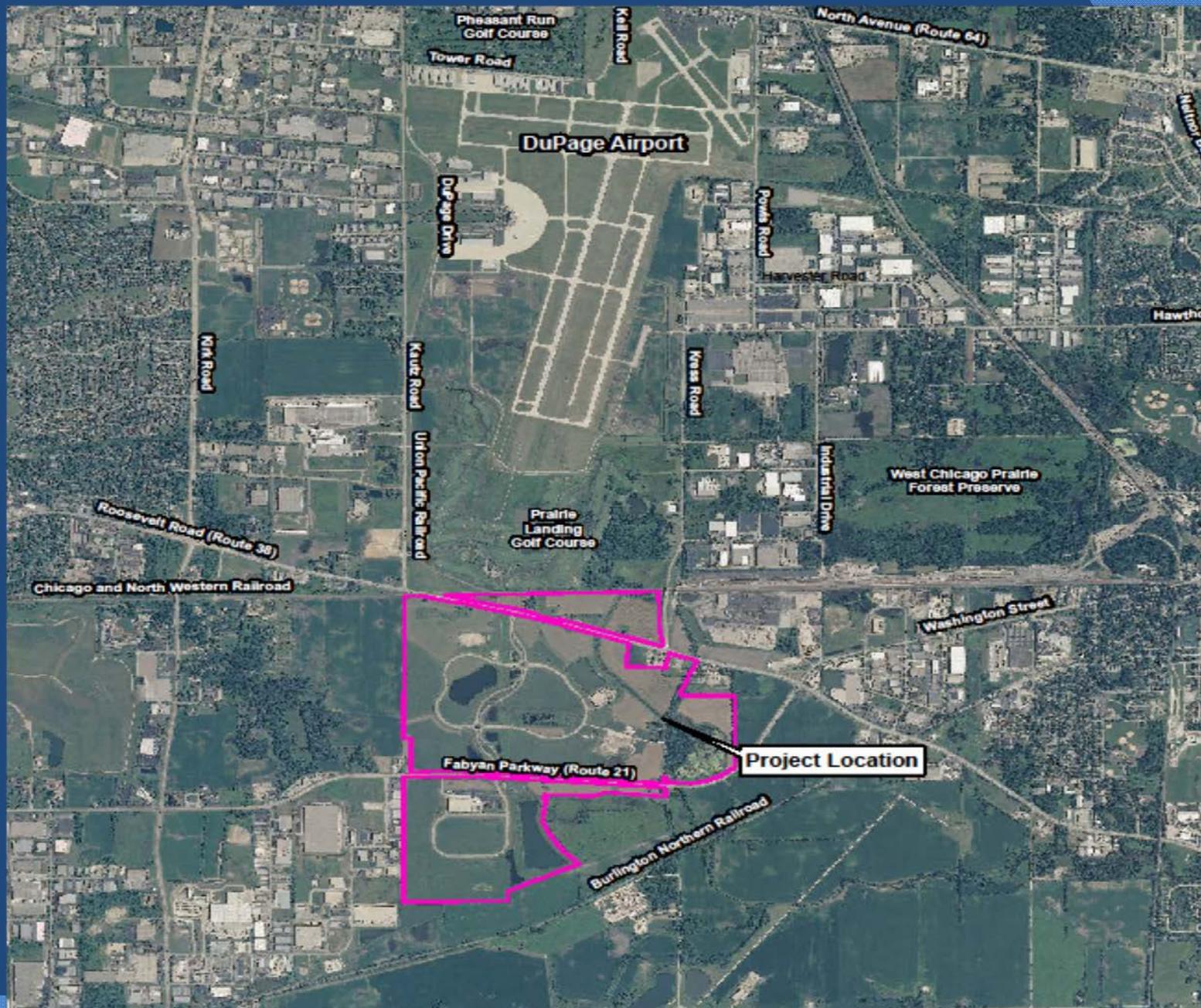


Illinois National  
Guard/Reserve  
Readiness Center  
17 acres  
2 buildings  
54,000 s/f

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# Business Parks

- ◎ Concurrent Land Use or Release
- ◎ Streets and storm water control transferred to local agencies (services provided to Airport was equal to or greater than FMV)
- ◎ Remaining property to be released
  - Sold in individual tracts in future
  - Prior to sale
    - Phase I Site Audit/Appraisal FMV
    - Airport retains support docs for FAA review/audit



# Roads

- ⦿ Typically Land Release
  - IDOT ownership necessary to begin project
- ⦿ Reduces maintenance, liability and responsibility of the Airport
- ⦿ Improves Safety
  - Improves traffic control
  - Improves access/egress to and from Airport
  - Provides additional turn lanes



REMOVED BY OTHERS  
PRIOR TO CONSTRUCTION

P2

P14

P3

GATEHOUSE COMPLEX ROAD

EXISTING CAPITAL AIRPORT DRIVE

ILLINOIS ROUTE 29

100 0 100  
SCALE: 1" = 100'



PROPOSED OVERLAP  
PARKING LOT  
ADDITIVE BID ITEM #1

PROPOSED CAPITAL AIRPORT DRIVE

PROPOSED SOUTH AIRPORT DRIVE

PROPOSED  
DETENTION  
POND

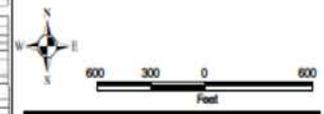


PARCEL #	ACRES	REMARKS
3	-0.42	OF ORIGINAL 1.89 ACRES TRANSFERRED TO IDOT FOR R.O.W.
5	-0.09	OF ORIGINAL 0.8 ACRES TRANSFERRED TO IDOT FOR R.O.W.
6	-0.24	OF ORIGINAL 1.28 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-AA	-0.28	OF ORIGINAL 0.7 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-CCA	-1.28	TRANSFERRED TO IDOT FOR R.O.W.
9-1-CGB	-0.28	TRANSFERRED TO IDOT FOR R.O.W.
9-1-EE	-0.28	OF ORIGINAL 0.75 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-I	-0.34	OF ORIGINAL 1.0 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-J	-0.39	OF ORIGINAL 0.9 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-KK	-0.33	OF ORIGINAL 0.33 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-LL	-0.85	OF ORIGINAL 1.0 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-1-T	-0.24	OF ORIGINAL 4.7 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-4-K	-0.09	OF ORIGINAL 0.48 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-4-L	-0.02	OF ORIGINAL 0.45 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-4-M	-0.01	OF ORIGINAL 0.88 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-4-N	-0.01	OF ORIGINAL 0.88 ACRES TRANSFERRED TO IDOT FOR R.O.W.
9-4-O	-0.14	OF ORIGINAL 2.88 ACRES TRANSFERRED TO IDOT FOR R.O.W.
10W1/2	-0.03	TRANSFERRED TO IDOT FOR R.O.W.
10S1/2	-0.03	TRANSFERRED TO IDOT FOR R.O.W.
11	-0.45	TRANSFERRED TO IDOT FOR R.O.W.
16-3-A	-16.14	TRANSFERRED TO IDOT
16-3-F	-12.71	OF ORIGINAL 57.0 +/- ACRES TRANSFERRED TO IDOT FOR R.O.W.
16-3-G	-1.88	TRANSFERRED TO IDOT
17-2-H	-1.28	OF ORIGINAL 12.0 +/- ACRES TRANSFERRED TO IDOT FOR R.O.W.
20-1-A	-9.44	OF ORIGINAL 12.80 ACRES TRANSFERRED TO IDOT FOR R.O.W.
20-1-B	-7.89	OF ORIGINAL 24.98 ACRES TRANSFERRED TO IDOT FOR R.O.W.
20-1-D	-2.75	OF ORIGINAL 2.75 ACRES TRANSFERRED TO IDOT FOR R.O.W.
20-4-E	-12.71	OF ORIGINAL 14.79 ACRES TRANSFERRED TO IDOT FOR R.O.W.
31A	-0.12	OF ORIGINAL 0.83 ACRES TRANSFERRED TO IDOT FOR R.O.W.
32	-0.12	OF ORIGINAL 0.78 ACRES TRANSFERRED TO IDOT FOR R.O.W.
33	-0.15	OF ORIGINAL 0.88 ACRES TRANSFERRED TO IDOT FOR R.O.W.
TRACT-1	-3.33	OF ORIGINAL 40 ACRES TRANSFERRED TO IDOT FOR R.O.W.
TRACT-2 (R1)	-9.13	OF ORIGINAL 38 ACRES TRANSFERRED TO IDOT FOR R.O.W.
TRACT-2 (AR1)	0.03	RELEASED FROM FAA OBLIGATION/AERONAUTICAL USE
TRACT-5 (AR1)	0.72	RELEASED FROM FAA OBLIGATION/AERONAUTICAL USE
TRACT-14 (R1)	-9.88	OF ORIGINAL 215.7 ACRES TRANSFERRED TO IDOT FOR R.O.W.
TRACT-14 (R2)	-0.20	OF ORIGINAL 215.70 ACRES TRANSFERRED TO IDOT FOR R.O.W. ON
TRACT-14 (AR1)	4.08	RELEASED FROM FAA OBLIGATION/AERONAUTICAL USE
TRACT-15	-1.97	OF ORIGINAL 4.3 ACRES TRANSFERRED TO IDOT FOR R.O.W.

**Exhibit A**  
**Sec. 16-T16N-R5W**

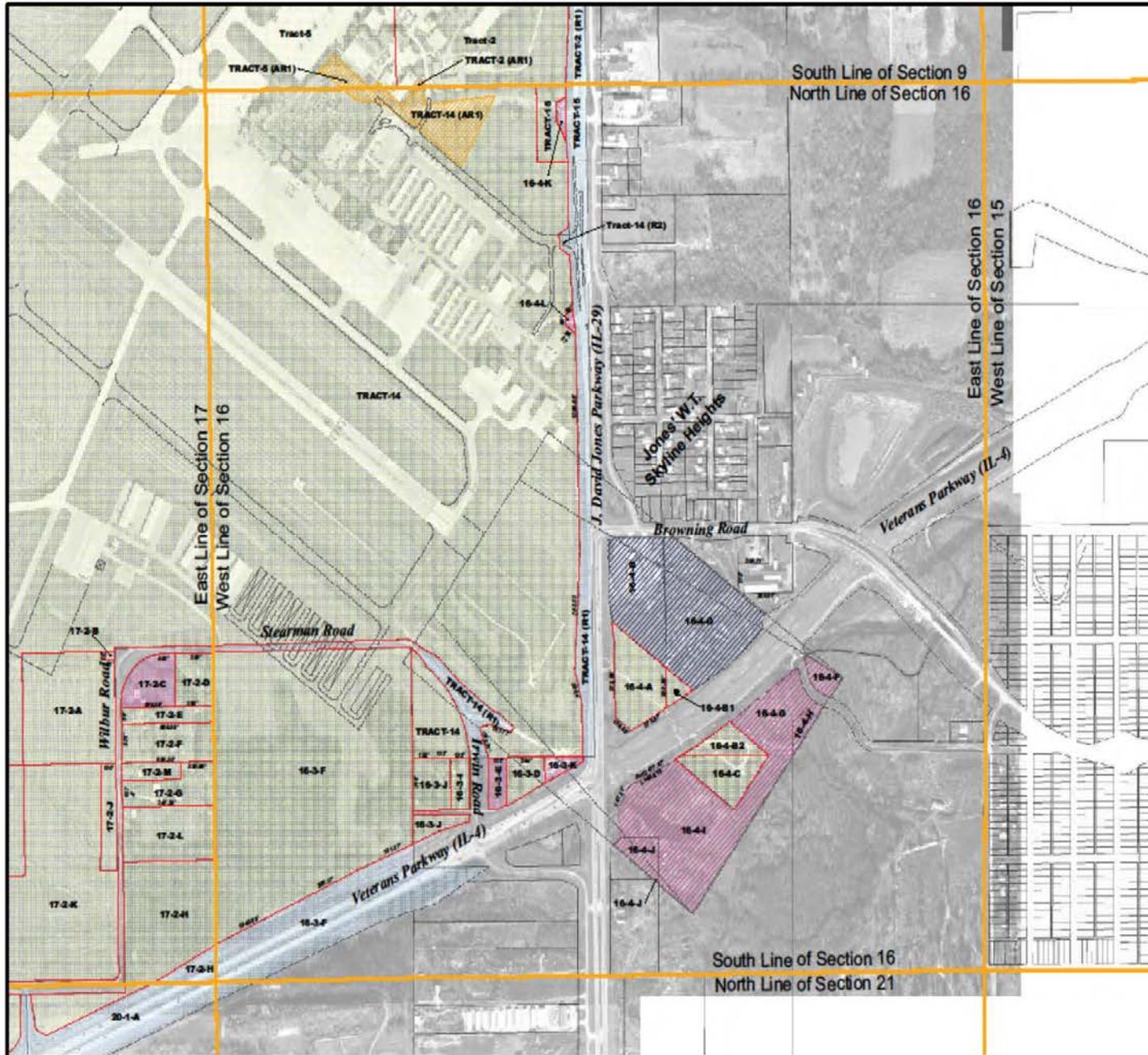
*Legend*

-  Proposed RPZ
-  Existing RPZ
-  Proposed Improvements
-  Sections
-  Existing in Fee
-  Proposed in Fee
-  Existing Easement
-  Proposed Easement
-  Transferred Property
-  Released of Aeronautical Use



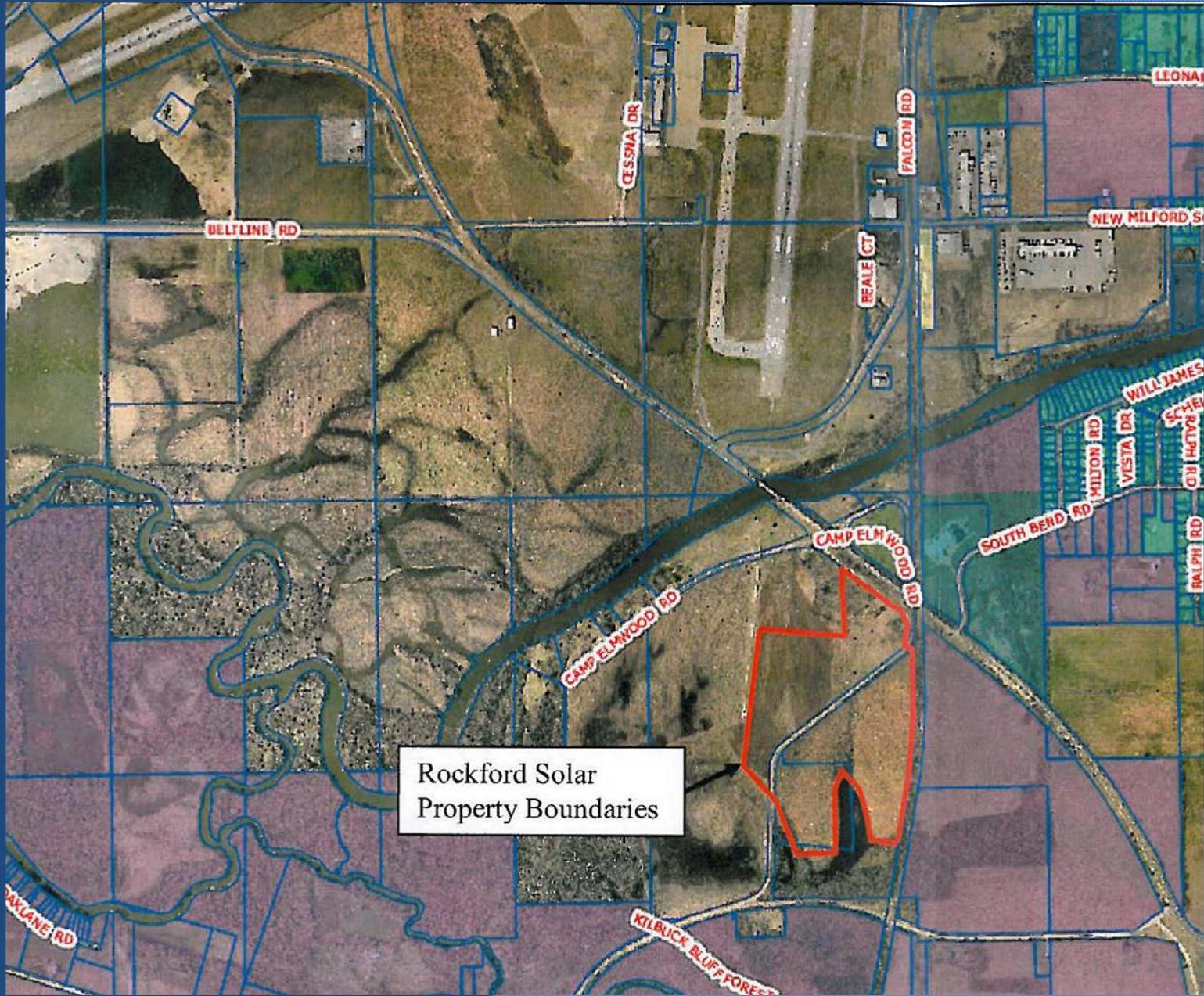
Date: January 13th, 2011  
 Map: Sht. 11 Section 16  
 Notes: Photo - Dec. 1996  
 Data Input by: TLG/BWN  
 Checked by: LJS  
 Approved by: RAA

CRAWFORD, MURPHY & TILLY, INC.



# Utilities

- ◎ Trend to use public owned property
- ◎ Typically Concurrent Land Use
  - Easements and Leases
    - Includes Deed Restrictions
      - Notification to enter Airport property for installation and maintenance
      - Airport to retains right to use property for aeronautical use



Rockford Solar  
Property Boundaries





# General Process

- Airport sponsor coordinates Land Use changes with State and/or Federal agency
- Submit all associated documents to IDA for review and submittal to FAA
- FAA
  - Review
  - Publication (Release)
  - Approval
- Limited Approval to Transfer Real Estate – Grant Assurances (Participation Agreement) require IDA approval prior to sale

# What is needed in a Land Release Package?

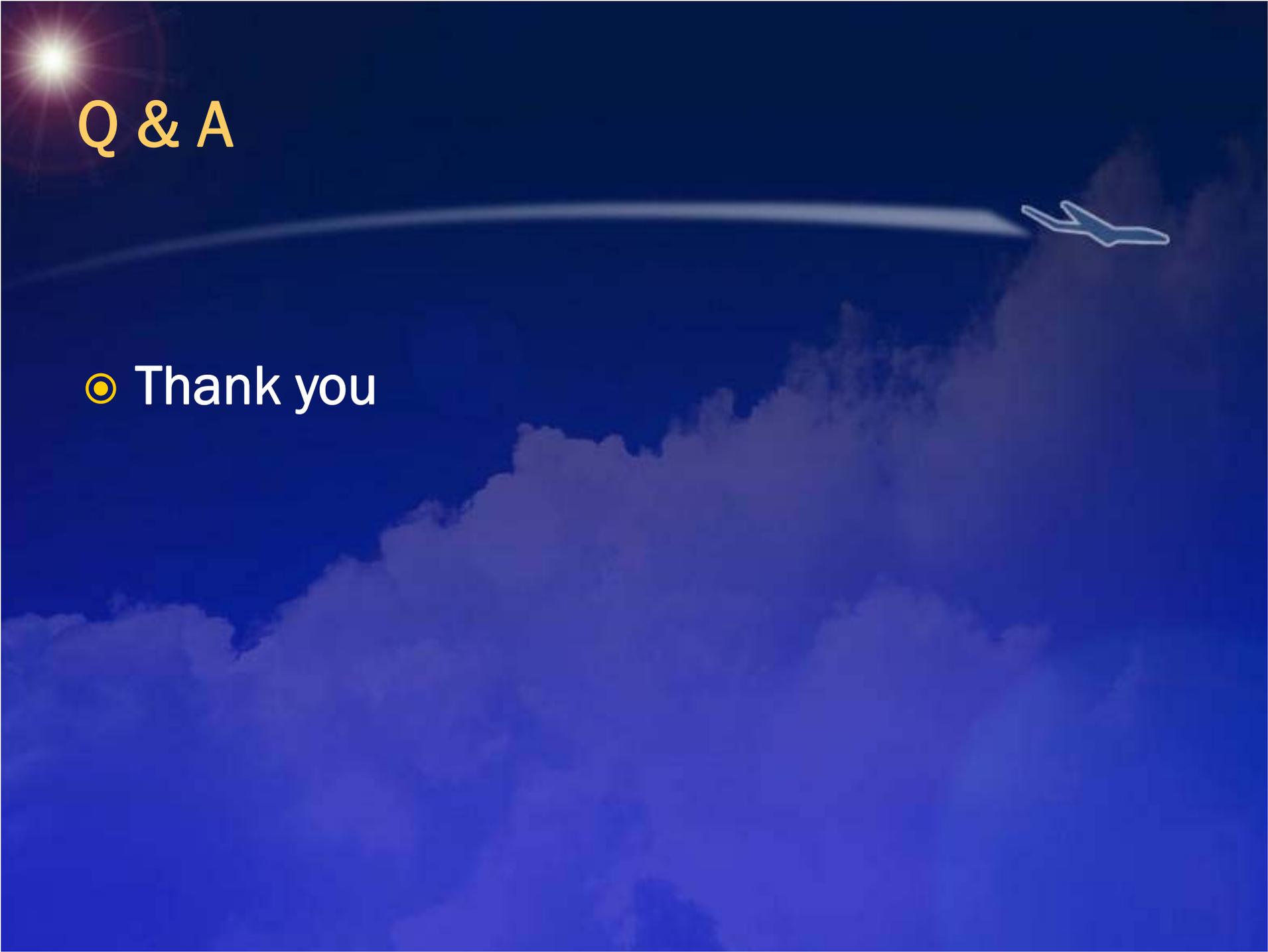
- Answers to PPM 5190.6, Appendix 2 questions
- Plat of Survey
- Current Property Appraisal that determines Fair Market Value
- National Environmental Policy Act (NEPA) Clearance
- Phase I Environmental Site Assessment
- Deed Restriction
  - PPM 5190.6 Appendix 3
- Updated Airport Layout Plan and Exhibit “A”

# What is needed in a Concurrent Use Request ?

- Cover Letter from Sponsor explaining
  - Why the land was originally purchased (such as protection) and that the proposed use will not interfere with the original “use” of the property.
  - Explain the benefits of the proposed concurrent use
- Plat of lease with boundary description
- Summary Appraisal that includes a statement of fair market rent
  - The appraiser can consider in his appraisal any services (fire protection, snow removal, etc.) that may be provided to the Airport that would allow the Sponsor to charge less than fair market rent
- Draft copy of the lease agreement
- Copy of letter approving airspace study
- National Environmental Policy Act (NEPA) Clearance

## Contact Information

- ◎ Chad Oliver (847) 294-7199
  - Chad.Oliver@faa.gov
- ◎ Ambra Knox (217) 572-1104
  - aknox@cmtengr.com
- ◎ Terry Tappenbeck (217) 785-0066
  - Terry.Tappenbeck@illinois.gov
- ◎ Kathy Comrie (217) 524-1149
  - Kathy.Comrie@illinois.gov



Q & A

☉ Thank you