AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Instrument of Release; Federal Aviation Administration; 160 Acres of Land at the Gunnison-Crested Butte Regional Airport

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: FAA & Gunnison County

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
It has been determined and agreed upon by both parties that the land described within the agreement no longer serves or will serve an aviation related function and under AIP 47 will be released back to County control.

Fiscal Impact:

Submitted by: R. Lamport **Submitter's Email Address:** Rlamport@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:

We agree with the provisions of this release.

Reviewed by: GUNCOUNTY1\LNIENHUESER Discharge Date: 11/14/2013

County Attorney Review: (●) Required ( ) Not Required

Comments:

This was not handled timely by the prior airport manager and we should execute the release quickly so that Rick can secure completion of the other necessary steps.

Reviewed by: GUNCOUNTY1\ATREZISE Discharge Date: 11/19/2013 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 11/19/2013

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: 5 minutes

Agenda Date: 12/17/2013 Follow Up Agenda Date:

Revised April 2013

DENVER AIRPORTS DISTRICT OFFICE
26805 EAST 68th AVENUE, SUITE 224
DENVER, COLORADO 80249-6361
(303) 342-1258

FEDERAL AVIATION
ADMINISTRATION

March 31, 2010

Mr. John DeVore, Airport Manager
Gunnison-Crested Butte Regional Airport
519 West Rio Grande
P.O. Box 850
Gunnison, Colorado 81230

Dear Mr. DeVore:

This letter is in reply to the County of Gunnison, Colorado's request for the release of 160 acres of land at the Gunnison-Crested Butte Regional Airport, Gunnison, Colorado, from all the restrictions and conditions of agreements with the United States Government.

We have determined that the surplus property (160 acres) described on the enclosed instrument of release is no longer needed for aeronautical purposes, and that the County of Gunnison is to be released from the terms and conditions of the various grant agreements which affect this land. Based on your request we have executed an Instrument of Release dated March 31, 2010.

In order to complete the release process we need the following three items:

1. A formally accepted and recorded (Volume and Page Number) copy of the Federal Aviation Administration (FAA) Instrument of Release.

2. An updated airport property map, Exhibit "A", depicting the release of the subject parcel, and any other changes in land ownership which have occurred and are not currently shown.

3. The airport layout plan must be updated with respect to this release and seven signed copies provided to our office for approval.

Because of the parcels proximity to the airport, Federal Aviation Regulation (FAR) Part 77 may require the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration, prior to construction of any new facility on this property.

If you have any questions, please contact Mr. Chris Schaffer at (303) 342-1258.

Sincerely,

John P. Bauer, Manager
Denver Airports District Office

Enclosure: Instrument of Release

INSTRUMENT OF RELEASE

THIS INSTRUMENT OF RELEASE, made by the United States of America, acting through the Federal Aviation Administration to the County of Gunnison, Colorado.

WHEREAS,

The United States, acting by and through the Administrator, Federal Aviation Administration, granted Federal Funds for land acquisition and development of the Gunnison-Crested Butte Regional Airport, in Grant Agreements numbered AIP 3-08-0030-01 through AIP 3-08-0030-43; and

WHEREAS,

Said Grant Agreements provide that said land is for airports use, and

WHEREAS,

The Administrator of the Federal Aviation Administration has determined that the hereinafter described land no longer serves the purpose for which it was acquired and made subject to certain terms, conditions, reservations and restrictions in said Grant Agreement.

NOW THEREFORE, for and in consideration of the County of Gunnison, Colorado, the Administrator of the Federal Aviation Administration, on behalf of the United States, hereby releases unto the County of Gunnison, Colorado, the hereinafter described real property subject to the following provisions and reservations:

1. The County of Gunnison, Colorado agrees to continue to be bound by and further agrees to reserve unto itself, its successors and assigns in any instruments of transfer conveying title or any interest in the hereinafter described real property, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said

airspace such noise as may be inherent in the operation of aircraft now known or hereafter used for navigation of or flight in the said airspace and for use of said airspace for landing on, taking off from, or operating on the Gunnison-Crested Butte Regional Airport.

2. That the County of Gunnison, Colorado expressly agrees for itself, its successors and assigns to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property to a height of not more than 50 ft. above ground level (AGL).

3. That the County of Gunnison, Colorado, expressly agrees for itself, its successors and assigns to prevent any use of the hereinafter described real property which would interfere with landing or taking off of aircraft at the Gunnison-Crested Butte Regional Airport, or otherwise constitute an airport hazard. In the event the aforesaid covenant is breached, the grantor is to reserve the right to enter upon the land released hereunder and to remove the offending structure or object and to cut the offending growth, all of which shall be at the expense of the grantee.

4. The County of Gunnison, Colorado agrees to expend a sum of $1,080,000 within five (5) years after the date of execution of this Agreement for otherwise eligible Airport Improvement Program development work at the Gunnison-Crested Butte Regional Airport. It is understood and agreed that this amount will not be eligible as Owner matching funds for development under the Airport Improvement Program (AIP).

5. The County of Gunnison, Colorado agrees to maintain accurate records of expenditures which will be in accordance with accepted business practices and open for inspection by FAA at any time for three years after the date of completion of the expenditure required by paragraph 4 above.

By this Instrument of Release, the United States of America by and through the Administrator, Federal Aviation Administration, hereby releases the real property described below from all the remaining conditions, reservations and restrictions except those reserved herein, contained in the identified Grant Agreements.

The real property is located in the County of Gunnison, State of Colorado, and legally described as follows:

Parcel 41

Northwest One-Quarter Northeast One-Quarter (NW1/4 NE1/4), South One-Half Northeast One-Quarter (S1/2 NE1/4), Northeast One-Quarter Southeast One-Quarter (NE1/4 SE1/4), Section 14, Township 49 North Range 1 West, of the New Mexico Principal Meridian, County of Gunnison, State of Colorado.

The above described parcel contains 160 acres, more or less.

By its acceptance of this Instrument of Release the County of Gunnison, Colorado covenants and agrees for itself, its successors and assigns to comply with and observe all the limitations set forth herein, expressly limited to the above described property.

IN WITNESS WHEREOF the United States of America has caused this Instrument of Release to be executed as of the _____ day of _____ 2010.

UNITED STATES OF AMERICA

Administrator,

Federal Aviation Administration

By_____

Manager, Denver Airports District Office

ATTEST:

By_____
County Clerk

ACCEPTED:

By_____
Chairman, Board of County Commissioners, Gunnison Colorado

APPROVED:

_____
County

GUNNISON COUNTY, COLORADO **CAPITAL EXPENDITURES REQUEST FORM**

DEPARTMENT: Airport

DESCRIPTION OF ITEM Acquire Land (Block 12, 17, 18 Parcel 38) and removal of Public Works Bldg

CHECK ONE:

New [X]

Replacement [ ]

BOCC PRIORITY:

Yes [X] No [ ]

If yes, please state which one from the current version of the Gunnison County Strategic Plan: $486,500 (grant funding less out of pocket demolition and environmental costs) will be included as cash for the Courthouse Reconstruction project for the purchase of County owned land for the airport enterprise.

ESTIMATED FUNDING:

	DESCRIPTION	PRIOR YRS	2013 PROJECTED	2014 BUDGET	2015	FUTURE YRS	TOTALS
Federal	FAA	$	$	$ 1,000,000	$	$	$ 1,000,000
		$	$	$	$	$	$ -
		$	$	$	$	$	$ -
State	CDOT	$	$	$ 55,555	$	$	$ 55,555
		$	$	$	$	$	$ -
		$	$	$	$	$	$ -
County	Airport	$	$	$ 29,239	$	$	$ 29,239
	Trans from Airport (land acq fu	$	$	$ 26,316	$	$	$ 26,316
		$	$	$	$	$	$ -
Financing *		$	$	$	$	$	$ -
Other	Airport sell 160 ac south of airfi	$	$	$	$	$	$ -
	to County	$	$	$ 1,080,000	$	$	$ 1,080,000
		$	$	$	$	$	$ -
TOTAL ESTIMATED FUNDING:		**$ 0**	**$ 0**	**$ 2,191,110**	**$ 0**	**$ 0**	**$ 2,191,110**

ESTIMATED COSTS:

	PRIOR YRS	2013 PROJECTED	2014 BUDGET	2015	FUTURE YRS	TOTALS
5110-Salaries: Dept. Head	$	$	$	$	$	$ -
5111-Salaries: Full-Time	$	$	$	$	$	$ -
5112-Salaries: Part-Time	$	$	$	$	$	$ -
5210-FICA	$	$	$	$	$	$ -
5220-Health Insurance	$	$	$	$	$	$ -
5230-Retirement	$	$	$	$	$	$ -
5240-Unemployment Insurance	$	$	$	$	$	$ -
5250-Worker's Compensation Ins.	$	$	$	$	$	$ -
5260-Employee Assistance Program	$	$	$	$	$	$ -
7320-Architectural/Engineering	$	$	$ 50,000	$	$	$ 50,000
7329-Professional Services	$	$	$	$	$	$ -
7351-Permits & Fees	$	$	$	$	$	$ -
7492-County Equipment Use	$	$	$	$	$	$ -
8110-Land Cost	$	$	$ 2,041,110	$	$	$ 2,041,110
8220-Furniture & Fixtures	$	$	$	$	$	$ -
8310-Improvements	$	$	$	$	$	$ -
8420-Equipment	$	$	$	$	$	$ -
Other Costs (please specify):						
7040-Trash Removal/Disposal Fees	$	$	$ 100,000	$	$	$ 100,000
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
	$	$	$	$	$	$ -
TOTAL ESTIMATED COSTS:	**$ 0**	**$ 0**	**$ 2,191,110**	**$ 0**	**$ 0**	**$ 2,191,110**

*** FINANCING PROCEEDS DETAIL**

Principal	n/a
Term (years)	
Interest Rate	
Total Interest	n/a
Annual Debt Service	**n/a**

If the project is approved, the budget column will be loaded into your budget worksheet by the Finance Department.

COST CENTER ACCOUNT (XX XXX-XX XXX-X)

41 804-00 723-0

JUSTIFICATION: (include the positive effect approval of this request will make for your customers and service delivery)

The long awaited project to acquire Blocks 17 (2.67 ac), 18 (1.41 ac) and 12 (1.28 ac) of Parcel 38 where the old Public Works building will be completed. This project will bring this land under the control of the Airport and included on the Airport's Exhibit A with the Federal Aviation Administration. The Public Works building will then be demolished since it is considered a runway obstruction. The recycling center will need to be removed and moved to the Gold Basin Industrial Park. Perhaps transfer receptacles could be left at the current location in the road right-of-way to continue providing an in-town drop off location. As part of the agreement (since the public works land is appraised at $1.6 and the FAA can only contribute up to $1,000,000 from 2013 entitlements funds), the FAA is releasing 160 acres (upon which the Observatory is located) from FAA restrictions so it can be used as the County wishes. The combined worth of the 160 acres to be released from aeronautical use ($1.08 M) and FY13 entitlements ($1 M) totals $2.08 M, which after considering grant match from CDOT and the Airport, is $532,574 short of total expenses to acquire the above stated parcels.

IMPACT ON OPERATING BUDGET: (detail quantifiable data regarding how completion of the project will affect the annual budget)

There are no ongoing costs associated with the project.