



U.S. Department
of Transportation
**Federal Aviation
Administration**

Dakota-Minnesota Airports District Office
Bismarck Office
2301 University Drive, Building 23B
Bismarck, ND 58504

Dakota-Minnesota Airports District Office
Minneapolis Office
6020 28th Avenue South, Suite 102
Minneapolis, MN 55450

April 18, 2024

Mr. Matt Wegwerth
Public Works Director / City Engineer
City of Grand Rapids
420 N. Pokegama Ave
Grand Rapids, MN 55744

**Grand Rapids/Itasca County Airport
Grand Rapids, MN
Release of Aeronautical Use Obligations on Airport Property
Approximately 4.31 Acres**

Dear Mr. Wegwerth,

The Federal Aviation Administration (FAA) received your request dated 09/14/2023 along with subsequent supporting documentation, to allow the Grand Rapids/Itasca County Airport (hereinafter referred to as “sponsor”) to be released of its obligations to maintain as airport property, 4.31 acres, located East 330.00 feet of the South Half of the Southeast Quarter of the Northeast Quarter of section 33, Township 55 North, Range 25 West of the Grand Rapids/Itasca County Airport, Grand Rapids, Minnesota. This land is to be sold for the proposed purpose Industrial Use.

It has been determined that the parcel of land to be released will not be needed for present or foreseeable airport purposes and such release for sale will not materially or adversely affect the use, operation, or maintenance of the airport. The land was purchased with federal funds under the Federal Aid to Airport Program (FAAP) or Airport Development Aid Program (ADAP) under Grant Agreement No. 6-27-0037-02. See enclosed legal description and drawings for specific parcel information.

Chapter 22 of the FAA’s Airport Compliance Manual (Order 5190.6B) discusses the laws, regulations, policies, and procedures pertaining to sponsor requests for a release from federal obligations and land use requirements. Section 22.18 recognizes that over time, land previously acquired by an airport may no longer be needed for aeronautical use. A sponsor may make a request to the FAA for the land to be released from its responsibility to maintain the airport dedicated parcel for its originally intended aeronautical use, thereby making the land available for non-aeronautical use to generate airport revenue.

The environmental implications of the release were evaluated for the planned use. We determined the proposed development qualified for a Categorical Exclusion which was issued by the FAA on 01/04/2024.

Chapter 22 of Order 5190.6B also identifies the need to issue public notice of FAA's intent to release aeronautical property from federal obligations. In accordance with section 47107(h) of Title 49, United States Code, any waiver of the aeronautical land-use assurance requires a Federal Register Notice. The Federal Register Notice was published March 7, 2024. The comment period expired April 5, 2024, with Zero public comments received.

In accordance with this requirement, the sponsor is hereby released from the terms and conditions of all prior grant agreements with the United States of America to maintain as airport property of land described as follows:

East 330.00 feet of the South Half of the Southeast Quarter of the Northeast Quarter of section
33, Township 55 North, Range 25 West

The airport sponsor shall include the following restrictions in any deed or other conveyance of property interest to others:

- a) The grantor reserves unto itself, its successors, and assigns, 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, 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 said airspace, and for use of said airspace for landing at, taking off from, or operation from Grand Rapids/Itasca County Airport .
- b) The grantor reserves unto itself, its successors and assigns, for the use and benefit of the public, a right of entry onto the real property herein conveyed to cut, remove, or lower any building, structure, poles, trees, or other object, whether natural or otherwise, of a height in excess of Federal Aviation Regulation (FAR) Part 77 surfaces relating to Airport. This public right shall include the right to mark or light as obstructions to air navigation, any and all buildings, structures, poles, trees, or other object that may at any time project or extend above said surfaces.
- c) The grantee expressly agrees for itself, its successors and assigns that the Property only be used for purposes that are compatible with noise levels of airport operations at Grand Rapids/Itasca County Airport.
- d) The grantee expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth, and other obstructions on the property to a height which does not exceed the height requirements set forth in Part 77 of the FAA Regulations, as amended, or any similar regulations which may hereinafter be enacted relating to the Grand Rapids/Itasca County Airport.

- e) The grantee expressly agrees for itself, its successors and assigns, to file a notice consistent with requirements of FAR Part 77 (FAA Form 7460-1) prior to constructing any facility, structure, or other item on said premises.
- f) The grantee expressly agrees for itself, its successors and assigns, to not hereafter use, permit, or suffer use of the land described above in such a manner as to create electrical interference with radio communication between the installation upon the airport and aircraft or as to make it difficult for fliers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking off, or maneuvering of aircraft.
- g) The grantee expressly agrees for itself, its successors and assigns, to not hereafter use, permit, or suffer use of the land described above in such a manner as to create a potential for attracting birds and other wildlife which may pose a hazard to aircraft.
- h) The grantee expressly agrees for itself, its successors and assigns, to prevent any use of the subject property that would interfere with landing or taking off of aircraft at Grand Rapids/Itasca County Airport or otherwise constitute an airport hazard.

The aforesaid covenants and agreements shall run with the land, as herein described above, for the benefit of the sponsor, its successors and assigns in the ownership/operation of the Grand Rapids/Itasca County Airport.

The Grand Rapids/Itasca County Airport shall deposit the net proceeds of the appraised Fair Market Value (FMV) of \$58,000 from the sale of the above-described property or any other funds received from the purchase agreement into an interest bearing account currently paying the highest interest rate immediately after consummation of the sale, where it shall remain until utilized. Grand Rapids/Itasca County Airport will, by agreement with FAA, commit all revenue generated from the sale to the development, maintenance, and operations of Grand Rapids/Itasca County Airport in conformance with FAA's revenue use policy.

Grand Rapids/Itasca County Airport shall maintain accurate records of funds received from the sale of the subject land and expenditures of the proceeds in accordance with accepted business practices. The records shall be available for inspection by the FAA upon request.

The Airport Layout Plan and Exhibit "A" shall be updated to depict the release and the Exhibit "A" should reference this letter. The Exhibit "A" update shall be submitted to the FAA within 90 days of the date of this letter.

Two copies of this "Letter of Release" are enclosed with this original. If the terms of this "Letter of Release" are satisfactory, it must be accepted by the Sponsor. Such acceptance should be evidenced by execution thereof by an officer of the Sponsor who has been duly authorized to take such action. The executed original release should be returned to this office.

If you have any questions or would like to discuss this information further, please feel welcome to contact Jeremy McLeod at 701-323-7380.

Sincerely,



E. Lindsay Terry
Manager
Dakota-Minnesota Airports District Office Airports District Office

CC:
Ryan Guag, MnDOT Office of Aeronautics

Accepted this _____ day of _____, 2024.

Grand Rapids/Itasca County Airport, Grand Rapids, Minnesota

By _____

Title
