



# Basic Understanding of the Airport Land Acquisition & Land Release Process



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Minnesota Airports Conference  
April 24, 2025

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# Agenda

- Overview
- Land Acquisition Process
  - Required steps
  - Key resources
  - Roles & responsibilities
  - Funding/closeout responsibilities
- Land Release Process
  - Coordination
  - Documentation
- Questions & comments

# Presenters

- Jason Alt (ProSource)
  - Vice President
  - Experienced in providing professional consulting services related to land acquisition, relocation, property management and property disposal
  - Worked throughout the Country on land acquisition projects
- Melissa Underwood (SEH)
  - Senior Airport Planner
  - Assist with funding and documentation for airport land acquisition and land release projects

# Airport Land Acquisition



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# Federal Funding for Land Acquisition

- Airport Improvement Program (AIP) & IIJA Funds
- AIP Handbook: Section 3-81

“It is FAA policy that costs associated with a land acquisition (such as appraisals, legal fees, etc.) are not allowable until *after* the sponsor has submitted evidence satisfactory to the ADO that the sponsor will obtain **“Good Title”** to the land.”

Airport sponsors must not submit payment requests until these conditions are met.

Copies of the recorded grant agreement are required to be provided to the FAA before payments are allowed.

# Steps to Process a Land Grant

## Must-have documents to receive federal funding reimbursement

Task	Description
<b>Preliminary O&amp;E Information</b>	<b>Gather in advance of preparing scope of work. If there are encumbrances, sponsor attorney review to determine what actions (i.e. extinguish, subordinate, other?) are necessary to conform with Section D.2.2.3 of Appendix D of the Land Acquisition AC 150/5100-17. Normally, the FAA expects rights be extinguished. If an easement interest is being acquired, existing encumbrances can't have the potential to interfere with the rights the sponsor is seeking to acquire. Existing rights that need to be addressed must be included in the NEPA for the proposed project.</b>

# Good Title

- **Focus area for the FAA**
- **Consider budgeting for Good Title activities in the Planning Grant – same time you are budgeting for the Exhibit A tasks**
- **AIP Handbook definition:**

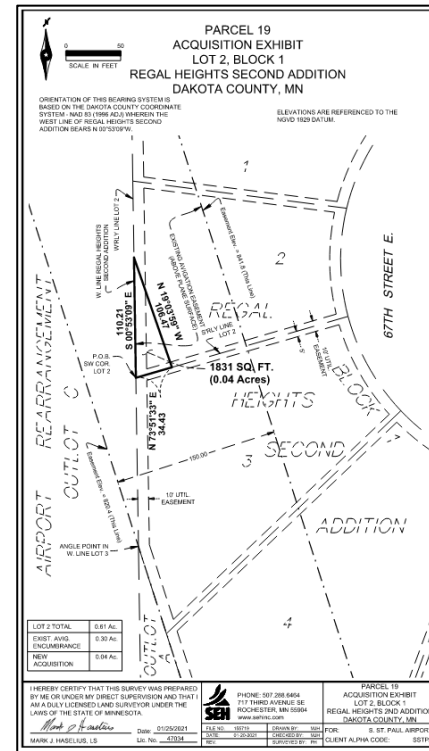
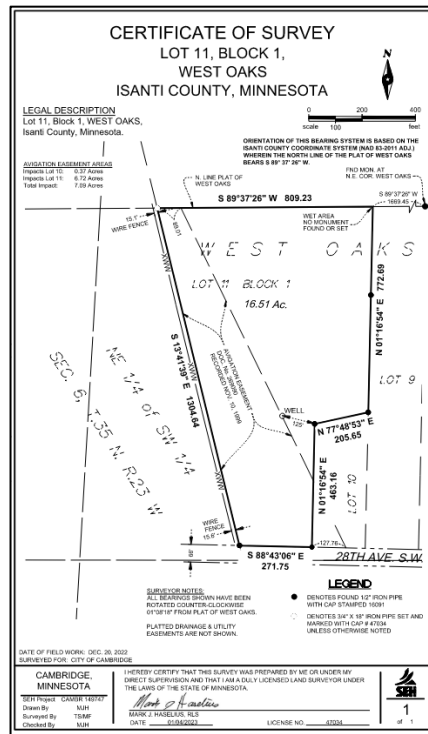
**Table Q-1 Good Title Requirements for Land and Easement Acquisition**

<b>The following criteria apply...</b>	
<b>a.</b>	The sponsor must acquire sufficient right, title and interest in the property to meet project requirements (e.g., construct, operate and maintain). Property interests required in off-airport areas must be sufficient to assure that the sponsor will not be deprived of its right to occupy and use such lands for the purposes intended.
<b>b.</b>	The sponsor must ensure marketable title to property is conveyed to the airport free and clear of any interest or encumbrance that may conflict with the project need and use of the property.
<b>c.</b>	Airport property title and airport interests in property must be recorded in the local public land records.
<b>d.</b>	The property title conveyed must be as appraised and agreed for the purchase.
<b>e.</b>	The sponsor's attorney must certify to ADO that good to title has been acquired.
<b>f.</b>	The attorney may rely on title insurance (title company commitment of insurance of marketable title), or title abstract or an attorney's certificate of title.

# Steps to Process a Land Grant

Must-have documents to receive federal funding reimbursement

Task	Description
<p align="center"><b>Survey</b></p>	<p align="center"><b>Drawing and legal description that includes necessary design surfaces and other relevant info from the ALP, as applicable. Recommend recording the survey as an exhibit to the conveyance document.</b></p>



# Steps to Process a Land Grant

## Must-have documents to receive federal funding reimbursement

Task	Description
Scope of Work	Acceptance by the FAA of Prime and Subconsultant scope of work prior to contract execution.
Appraisal	Must be completed by a licensed (state & federal) professional; it is recommended that person have experience with aviation projects. The appraiser should have experience in eminent domain proceedings.
Review Appraisal	Must be completed by a licensed (state & federal) professional.
Relocation Plan	See Chapter 4 of Land Acquisition AC 150/5100-17 & Chapter 4 of Land Acquisition and Relocation Assistance for Airport Projects FAA Order 5100.37B.

# Appraisal & Review Appraisal

**Report Type**  
Appraisal Report

**Effective Date**  
May 1, 2019

**Client**

ProSource Technologies, LLC  
Attn: Jason D. Alt, Vice President  
9219 East River Road Northwest  
Minneapolis, MN 55433

**Subject Property**

**Single-Family Residential**  
2680 28<sup>th</sup> Avenue Southwest  
Cambridge, Isanti County, MN 55008  
Owner: Jessica & Jordan Metz  
FAA Parcel Number: 13A



File # G1905001

**Prepared By:**  
Ethan Waytas, MAI, Appraiser  
William R. Waytas, SRA, Appraiser

**Nagell Appraisal Incorporated**  
12805 Highway 55, Suite 300  
Plymouth, Minnesota 55441  
Tel: 952.544.8966 | Fax: 952.544.8969

Day Group with No. 2019507



**2019 Market Value Appraisal and Minimum Compensation Review Report**  
Total Acquisition as of May 1, 2019

**Cambridge Municipal Airport, ProSource Project 3315**  
FAA Parcel Number: 13A  
**Single-Family Residence Acquisition**  
Located at 2680 28th Avenue Southwest, Cambridge, Minnesota  
Owners are Jessica & Jordan Metz

Client is ProSource Technologies, LLC



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# Relocation Plan

Cambridge Municipal Airport (CBG )

## Relocation Plan

Project No: 3315



Prepared by

**ProSource**  
TECHNOLOGIES

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# Steps to Process a Land Grant (Continued)

## Must-have documents to receive federal funding reimbursement

Task	Description
<b>Initial &amp; Final Written Offers</b>	<b>Initial offer must match appraised value. If there is a final written offer, it would be based on the administrative settlement.</b>
<b>Rationale for Administrative Settlement (if applicable)</b>	<b>Sponsor to provide rationale based on Section 3.3 of the Land Acquisition AC 150/5100-17. It is recommended the FAA accept rationale prior to executing a purchase agreement, so they know the extent of the FAA's financial participation.</b>
<b>Execute Purchase Agreement or Court Order</b>	

# Steps to Process a Land Grant (Continued)

## Must-have documents to receive federal funding reimbursement

Task	Description
<b>Record Conveyance Document</b>	<b>Most likely an executed warranty deed, quit claim deed, or easement document depending on the specific situation and requirements of the project that transfers rights from the landowner to the airport sponsor.</b>
<b>Certificate of Title (if applicable) or Final Title Opinion</b>	<b>Certificate of Title applies to Torrens property. The certificate will always identify rights others have to the property. Title opinion applies to Abstract property. Registered Property Opinion applies to Torrens property. Format needs to conform to Figure D-1 Sample Certificate of Title found in AC 150/5100-17.</b>
<b>Sponsor Certification of Real Property Acquisition</b>	<b>FAA Form 5100-133 completed</b>
<b>Itemized Costs &amp; Invoices</b>	<b>See Appendix Q. Land Projects of the AIP Handbook.</b>

# Sponsor Certificate of Real Property Acquisition

## Real Property Acquisition Airport Improvement Program Sponsor Certification

Sponsor: City of Cambridge

Airport: Cambridge Municipal Airport

Project Number: 3-27-0017-014-2020

Description of Work: Acquire in full, Parcel 13A as noted on the Airport Layout Plan, at the Cambridge Municipal Airport.

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on real property acquisition and relocation assistance are in 49 CFR Part 24. The AIP project grant agreement contains specific requirements and assurances on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

### Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the real property acquisition project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. The sponsor's attorney or other official has or will have good and sufficient title as well as title evidence on property in the project.  
 Yes  No  N/A
2. If defects and/or encumbrances exist in the title that adversely impact the sponsor's intended use of property in the project, they have been or will be extinguished, modified, or subordinated.  
 Yes  No  N/A
3. If property for airport development is or will be leased, the following conditions have been met:
  - a. The term is for 20 years or the useful life of the project;
  - b. The lessor is a public agency; and
  - c. The lease contains no provisions that prevent full compliance with the grant agreement. Yes  No  N/A

# Steps to Process a Land Grant (Continued)

## Must-have documents to receive federal funding reimbursement

Task	Description
<b>Updated Exhibit A Property Map</b>	<b>Update the whole airport, if that has not occurred yet, or update to add specific info on parcel acquired.</b>
<b>Record Grant Agreement</b>	<b>FY14 grants and later include a special condition that the grant must be recorded at the County Recorders Office before any payments can be made on the grant.</b>
<b>Address Additional Grant Requirements (if applicable)</b>	<b>Obstruction removal, building removal, anything else added to the grant needs to be addressed.</b>
<b>As-Built ALP</b>	<b>Update all ALP sheets that shows the new fee or easement acquisition in conformance with Standard Operating Procedure #2 and submit to the FAA and State for approval.</b>



# Airport Land Releases



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# Land Release Determination

- FAA retains authority to regulate land use for parcels acquired using federal funds.
- For parcels not acquired with federal funds, the FAA does not have authority to regular land use
  - Other FAA grant assurances are still in effect that govern fair market value, compatible land use, and maintaining an updated ALP and Exhibit A Property Map.



# Land Release Determination

- Purpose:
  - To allow the airport sponsor to use the land, that is no longer needed for aviation-related purposes, for non-aeronautical uses, such as commercial development
    - As documented on your Airport Layout Plan (ALP)
- The FAA requires revenue generated from non-aeronautical land use be reinvested in the airport for aeronautical improvements.

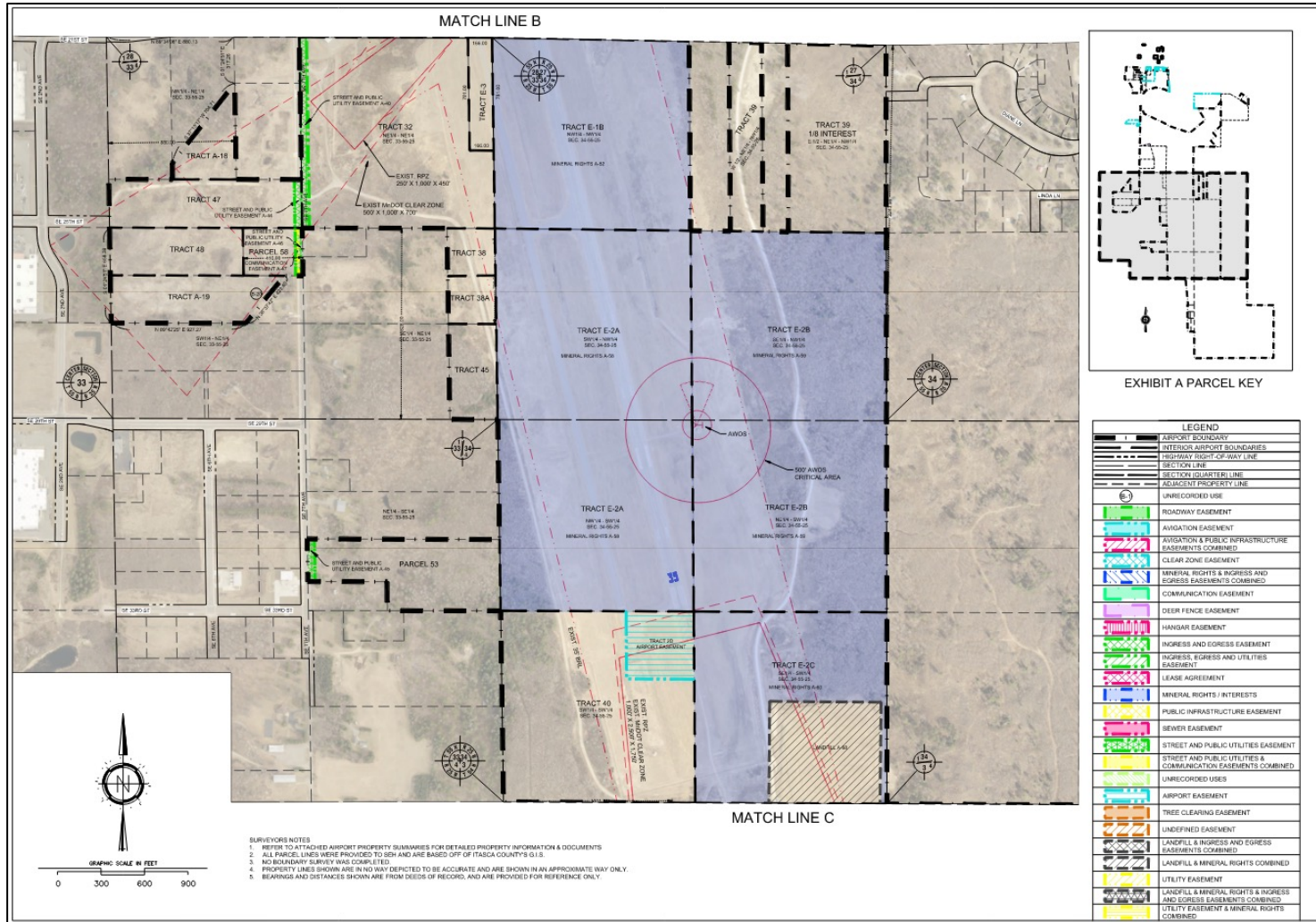


# Land Release Documentation

- Written land release request
- Exhibits of property being considered
- Follow FAA Order 5190.6B, Chapter 22
  - Expected use of disposed property
  - Copies of applicable deeds for the land to be released
  - Survey/diagram of areas to be released, including a legal description in a text form that can be copied
  - Current and future ALP pages
  - Exhibit A Property Map
  - Appropriate NEPA environmental review document
  - Appraisal

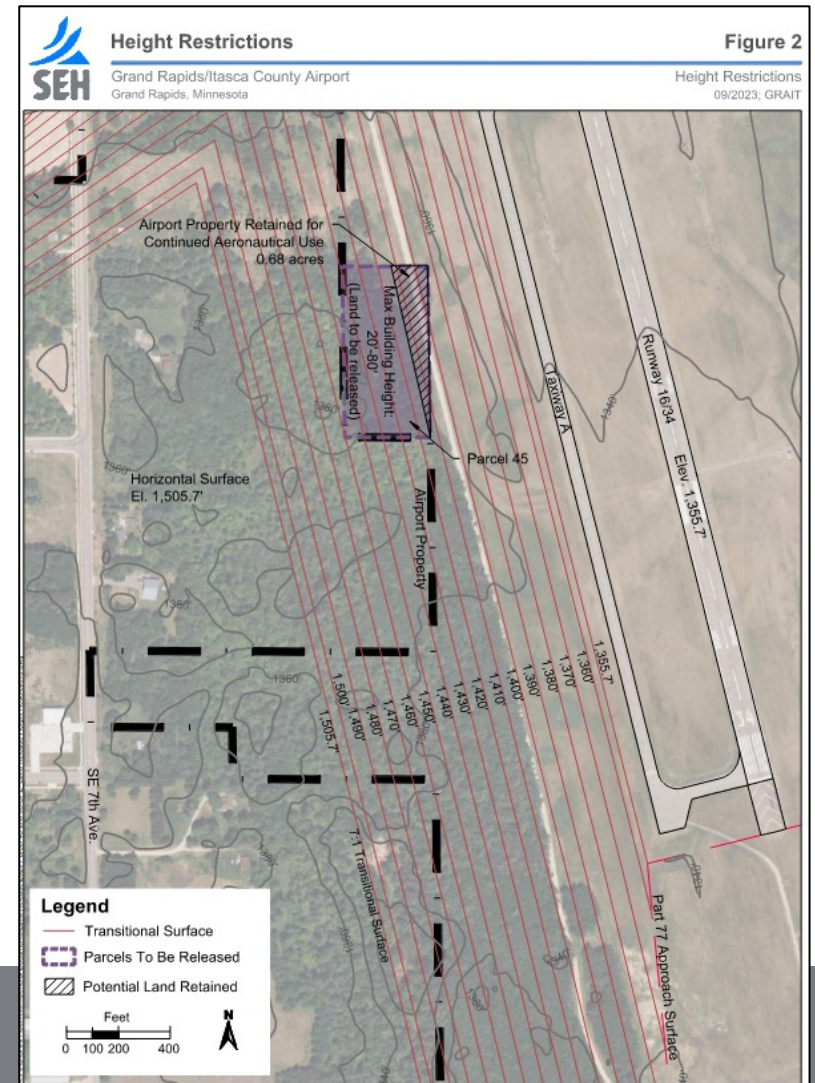
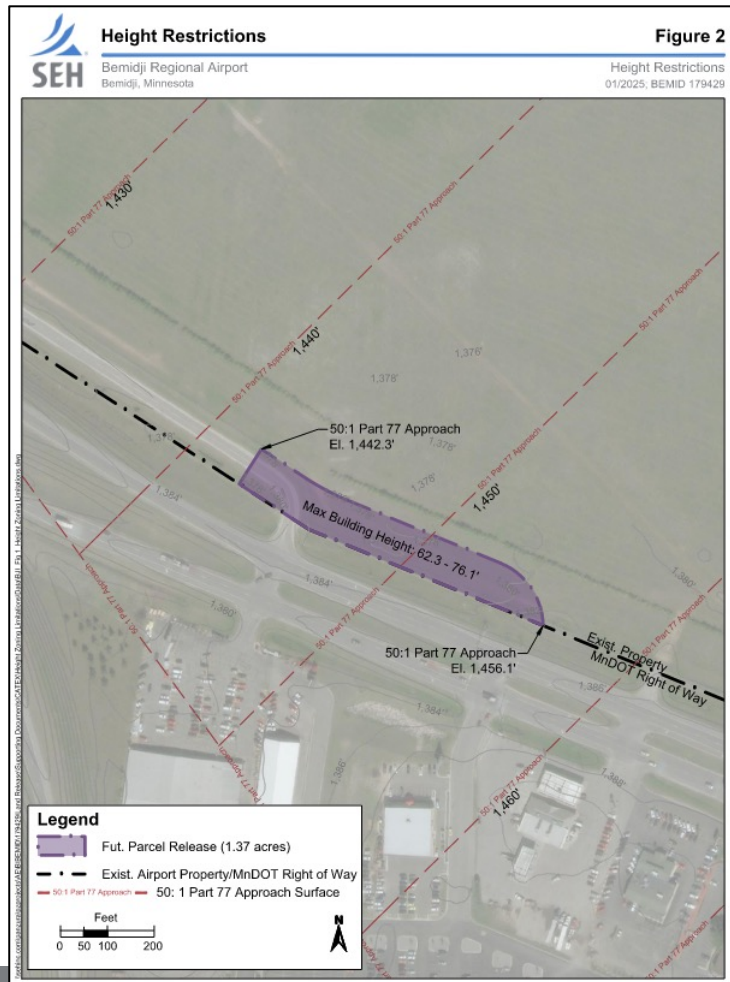
# Exhibits and Parcel IDs

- Parcel numbers match Exhibit A Property Map



# Exhibits and Parcel IDs

- Height limitation maps can document standing airspace requirements on released property



# Standard Covenants for Land

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 [Airport Name].
- 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 [Airport Name].
- 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 [Airport Name].
- 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 [Airport Name] 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 [Airport Name].



# Applying federal share of proceeds of AIP funded land:

**Table 5-39 Order of Precedence for Applying Sale Proceeds of AIP Funded Land**

Order of precedence to apply the Federal share of the fair market value is...
(1) Reinvestment in an approved noise compatibility project.
(2) Reinvestment in an approved project that is eligible for funding under 49 USC § 47117(e). The only projects in this section of the law are projects eligible for noise and environmental set aside funding. A complete list of projects eligible for noise and environmental set aside funding is contained in Paragraph 4-7.
(3) Reinvestment in all other approved airport development projects at the airport.
(4) Transfer to a sponsor of another public airport for a noise compatibility project at the other airport.
(5) Send the ADO a check as directed by the FAA Office of Finance and Management, FAA Accounts Payable Section B (AMK-314) for deposit in the Airport and Airway Trust Fund.

# Project Tips, Tricks, & Strategy

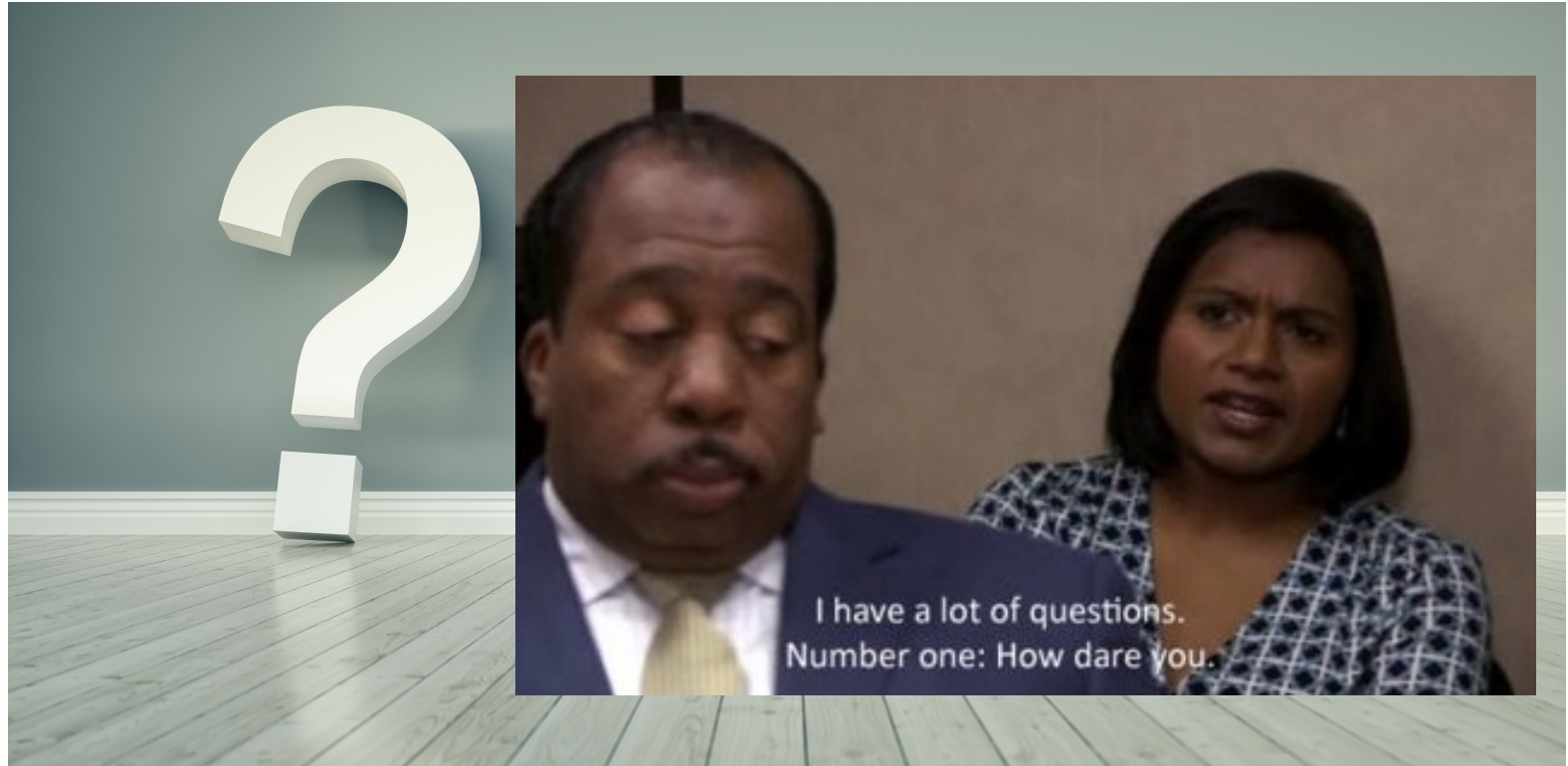


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# Project Tips, Tricks, & Strategy

- Engage FAA early-on in the process!
  - The FAA needs to determine if they have approval authority on the properties to be released
- Get concurrence on eligibility
- Make sure parcel numbers on the ALP and Exhibit A map match the parcel numbers identified in the paperwork and within the grant
- Outside help is useful for negotiations with property owners adjacent to the airport



THANK YOU!

