

RESOLUTION NO. 4248

A RESOLUTION APPROVING THE REQUEST FOR RELEASE OF AIRPORT PROPERTY.

WHEREAS, the City of Miles City and the Miles City Airport Commission desire to request that the FAA release from contractual obligations a certain parcel of City owned property utilized by the airport, as said property is remotely located to the airport;

NOW THEREFORE BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

1. The request for "Release of Airport Property Request," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said request on behalf of the City of Miles City and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 11TH DAY OF JUNE, 2019.


John Hollowell, Mayor

ATTEST:


Lorrie Pearce, City Clerk

**City of Miles City
PO Box 910 – 17 S 8th Street
Miles City, Montana 59301**

May 13, 2019

Mr. Joe Nye, PE – Project Manager
Federal Aviation Administration
Helena Airports District Office
2725 Skyway Drive – Suite 2
Helena, Montana 59602-1213

Re: Frank Wiley Field (KMLS)
Release of Airport Property Request

Dear Mr. Nye:

The city of Miles City is requesting a release of certain airport property with the intent of discharging and relinquishing the FAA's right to enforce any contractual obligations the Sponsor is currently subject to related to the property. This request has been prepared in accordance with FAA Order 5190.6B FAA Compliance Manual (Chapter 22 – Release from Federal Obligation) which states:

Section 22.1 – Any property, when described as part of an airport in an agreement with the United States 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 by the terms of the agreement. If any of the property so dedicated is not needed for present or future airport purposes, and amendment to, or a release from the agreement is required.

Section 22.16 – All land described in a project application and shown on an Exhibit "A" constitutes the airport's federally obligated property. A sponsor is federally obligated to obtain FAA consent to delete an land described and shown on the Exhibit "A."

In support of this request, the following information is provided:

Description of Property to be Released

The property consists of 1.62 acres and is located in the extreme southeast corner of the Airport. The property is identified on the Airport Property Map included as Attachment 1.

Affected Federal Agreements

The parcel was acquired as part of Parcel B (as shown on the Airport Property Map) in 1941 by the city of Miles City. No federal funds have been used for the acquisition of the land or the construction of any improvements associated with the land. Included as Attachment 2 is a copy of the deed filed with the Custer County Clerk and Recorder documenting the acquisition of the land.

Facts and Circumstances that Justify the Request

The existing conditions at Frank Wiley Field support the release for the following reasons:

1. Aeronautical development of the property included in this release request is not viable due to its remote location on the Airport. The parcel is located approximately 4,500-feet south of the end of Runway 31 and 200-feet below the threshold elevation. The land cannot be accessed from any of the Airport's aircraft operation areas.
2. The Airport has sufficient property for future aeronautical development. The Airport Layout Plan was updated in 2015 and no existing or future aeronautical development would be impacted by the proposed release.

Conditions Applicable to this Release

The intent of the Sponsor is to sell the land to the adjacent property owner. In disposing of the land, the Sponsor will assure the following:

1. All proceeds from the sale of the land will be treated as airport revenue and be retained for use by the Airport.
2. The land will not be sold for less than fair market value.

3. The deed transferring the land will include provisions for a continuing right-of-flight over the parcel. These provisions will include but not be limited to the following:
- a. The right to cause any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace, or landing at, or taking off from, or operation at Frank Wiley Field.
 - b. Prohibits the erection of structures or growth of natural objects that would constitute an obstruction of air navigation.
 - c. Prohibits any activity on the land that would interfere with or be a hazard to the flight of aircraft over the land or to and from the airport or that interferes with air navigation and communication facilities serving the airport.
 - d. Necessary height limitations and land-use restrictions in accordance with current (existing and future) FAA criteria as applied to the airport.

We look forward to your approval of our request. Should you have any questions or require additional information, please contact Doug Phair at 409.951.3740 or by email at doug@ramshot.com.

Your consideration of this request is greatly appreciated.


Sincerely,

Miles City Airport Commission



Douglas B. Phair, Chairman

City of Miles City, Montana



John Hollowell, Mayor

KNOW ALL MEN BY THESE PRESENTS: That State Land Co., of Miles City, Montana, a corporation, organized and existing under the laws of the State of Montana in consideration of the sum of One and no/100ths Dollars (\$1.00) and other good and valuable considerations, the receipt whereof is hereby admitted, does hereby grant, bargain, sell, convey, warrant and confirm unto City of Miles City, Montana, a municipal corporation, of Miles City, Montana, and to its successors and assigns, FOREVER, the following described real property, situated in the County of Custer, State of Montana, to-wit:

All of the West Half (W¹/₂) of Section Twenty-nine (29) and The East Half of the East Half (E¹/₄) of Section Thirty (30), Township Eight (8) North, Range Forty-seven (47) East, M. P. M., subject to the easement to the Mountain States Telephone and Telegraph Company, recorded in Book Q of Miscellaneous at page 430, records of Custer County, Montana, containing 480 acres, more or less, according to the United States Government Survey thereof.

This is a correction deed to that certain deed dated March 25, 1941, and recorded on March 26, 1941 in Book 63 of Deeds, page 238, of the records in the office of the County Clerk and Recorder of Custer County, Montana.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever WARRANT and DEFEND all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its successors and assigns, against the acts and deeds of said grantor, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this 25th day of March, A. D. 1941.

ATTEST:

Mary G. Lakin
Secretary.

CORPORATE SEAL

STATE LAND CO.

By W. P. Lakin President.

STATE OF MONTANA,)
) ss.
County of Custer)

On this 2nd day of July, in the year 1941, before me F. E. Burkholder, a Notary Public for the State of Montana, personally appeared W. P. Lakin and Mary G. Lakin (known to me) to be the President and Secretary respectively of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARIAL SEAL

F. E. Burkholder
Notary Public for the State of Montana.
Residing at Miles City, Montana.
My Commission expires Jan. 22, 1944.

NOTE-Acknowledgment should be made by either president or secretary.

Filed for Record July 18, 1941 at 2:45 o'clock P. M.

Fee NONE

GMP

M. E. Flinn, County Clerk & Recorder

COMPARED

136039-

THIS INSTRUMENT, made this 12th day of May in the year of our Lord one thousand nine hundred forty-one BETWEEN FRANK E. KEMNEY and BERNADYNE G. KEMNEY, his wife, of Detroit, Michigan hereinafter referred to as the Grantor/s and GEORGE KEMNEY of Miles City, Montana hereinafter referred to as the Grantee/

Witnesseth, That the said Grantor/s, for and in consideration of the sum of One Dollar and other valuable consideration paid by the said Grantee/, the receipt whereof is hereby confessed and acknowledged, do/ by these presents, grant, bargain, sell, remise, release and forever QUIT-CLAIM unto the said Grantee/, and to the heirs, successors and assigns of the said Grantee/, land situated in the City of Miles City County of



TO BE USED AS A COMPLETE DRAWING SET FOR PLANNING PURPOSES ONLY, NOT FOR CONSTRUCTION
 CITY OF MILES CITY (OWNER)
FRANK WILEY FIELD

AIRPORT PROPERTY MAP

DATE: 02/05/2019
 SHEET: A-14
 C: KJL 2017

ATTACHMENT 1

TABLE OF LAND PARCELS - EXISTING

PARCEL NUMBER	AREA (ACRES)	RECEIVED FROM	TYPE OF ACQUISITION	ACQUIRE UNDER FAA PROJECT NO.	YEAR ACQUIRED	OWNER COUNTY DOCUMENT NO.
A	320.00	CITY OF MILES CITY	FEE	-	1941	188097
B	480.00	CITY OF MILES CITY	FEE	-	1941	188097-23
C	210.50	CITY OF MILES CITY	FEE	-	1942	188132-256
D	190.80	CITY OF MILES CITY	FEE	-	1942	188132-256
E	82.07	CITY OF MILES CITY	FEE	-	1943	188132-256
F	2.00	CITY OF MILES CITY	FEE	-	1943	188132-256
G	34.30	CITY OF MILES CITY	FEE	-	1943	188132-256
H	120.86	CITY OF MILES CITY	FEE	-	1943	188132-256
I	100.00	CITY OF MILES CITY	FEE	-	1943	188132-256
J	3.81	CITY OF MILES CITY	FEE	-	1943	188132-256
K	60.00	CITY OF MILES CITY	FEE	-	1943	188132-256
L	4.62	CITY OF MILES CITY	FEE	-	1943	188132-256
M	3.37	CITY OF MILES CITY	FEE	-	1943	188132-256
N	3.88	DORFEN CONSTRUCTION	FEE	AMP 3-30-0055-03	1983	188132-256
O	9.74	MARGU BROTHERS INC	FEE	AMP 3-30-0055-10	1983	188132-256
P	2.57	DORFEN CONSTRUCTION	AM EASEMENT	AMP 3-30-0055-01	1984	188132-256
Q	2.73	JOHN MOORE	FEE	-	1974	188132-256

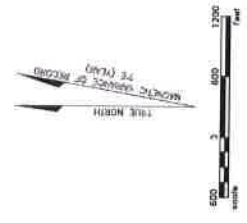
TABLE OF LAND PARCELS - ULTIMATE

PARCEL NUMBER	AREA (ACRES)	RECEIVED FROM	TYPE OF ACQUISITION	YEAR ACQUIRED
5	1.75	CITY OF MILES CITY	FEE	ULTIMATE
7	2.73	JOHN MOORE	FEE	ULTIMATE



LEGEND

- EXISTING EASEMENT ACQUIRED
- PARCEL NUMBER
- PENDING PARCEL BOUNDARY
- ULTIMATE PARCEL BOUNDARY



NOTE: PURPOSE OF THIS DRAWING IS TO PROVIDE INFORMATION FOR ANALYZING THE CURRENT AND FUTURE USE OF LAND ACQUIRED WITH FEDERAL FUNDS. INFORMATION IS FROM PREVIOUS PROPERTY MAPS (1993 BY HKM ASSOCIATES AND 2007 BY HKM ASSOCIATES) AND RECORDED PLAT #164850.