

## FACT SHEET

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<u>TITLE</u>	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
<b>A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OFF-AIRPORT LAND LEASE BETWEEN THE CITY OF SHREVEPORT AND THE FEDERAL AVIATION ADMINISTRATION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO</b>	February 20, 2022	Airport/Fire Department
		<u>COUNCIL DISTRICT</u>
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		<u>SPONSOR</u>

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### PURPOSE

To authorize the execution of an Off-Airport Land Lease between the City of Shreveport (“Lessor”) and the Federal Aviation Administration (“FAA”) (“Lessee”) for the development, construction, operation, and maintenance of a Low-Level Wind-shear Alert System (LLWAS) on a 20 x 20 ft. section of City owned land on Fire Station #13 near Shreveport Regional Airport (SHV).

### BACKGROUND INFORMATION

The United States Government, acting by and through Federal Aviation Administration (“FAA”), has notified the Shreveport Airport Authority (“SAA”) that with the recent extension of Runway #6 at SHV, there is a need to install an additional LLWAS tower to provide full LLWAS coverage to the expanded runway. This in accordance with FAA Sitting Order #6560.21A, relating to the guidelines for the required placement of LLWAS towers on airfields An LLWAS tower monitors wind shear and other weather patterns and assist pilots and aircraft on approach and landing onto an airfield. The FAA has identified an off-airport site, on city property on the grounds of Fire Station #13 near SHV that is suitable for the installation of this tower. The installation of this device on Fire Station #13, in the landing range for aircraft of Runway #6 at SHV, is necessary for the safety and protection of aircraft and passengers arriving at our regional airport.

The FAA requests to lease an approximately 20 x 20 foot section of land on the grounds of Fire Station #13 for the construction of this tower. The FAA will run separately metered electricity to the tower, and will pour concrete to set the pole and equipment as part of the construction. The area surrounding the tower will be completely fenced in for safety purposes. The FAA will not pay rent for this lease; however, the FAA will be responsible for the installation, operation and maintenance required of the LLWAS tower and appurtenant equipment. The term of this Off-Airport Land Lease will extend to September 30, 2037. The Shreveport Fire Department has confirmed with SAA administrative staff and the City Attorney’s Office that the section of land on the grounds of Fire Station #13 is available for construction of the tower.

Pursuant to Louisiana state law, this Off-Airport Land Lease must be approved by the City Council prior to execution.

Louisiana La. R.S. 52:2 provides that:

“The state or any state agency *or subdivision* may donate or convey to the United States any lands, movable or immovable property, rights of way, or servitudes which they may own or acquire for use by the United States in connection with

- (1) The improvement and maintenance of the navigation of natural waterways;

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(2) The construction, improvement, and maintenance of artificial navigable waterways, river and harbor works;

(3) Flood control works;

(4) *Airports, flying fields, landing fields*, parks, forest preserves, canals, irrigation districts, hospitals, agricultural experiment and research stations, military posts and for any military purposes.

In the case of property owned by Louisiana or any state board, commission, department or agency, the transfer or conveyance shall be performed jointly by the governor and the register of the state land office, with the consent and approval of the lieutenant governor or the attorney general. *The commission council or other governing body of a municipality shall transfer or convey property owned by a municipality...*”

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**TIMETABLE**

Introduction: March 22, 2022

Final Passage: April 12, 2022

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**ATTACHMENTS**

Exhibit “A” Off-Airport Land Lease

Exhibit “B” FAA LLWAS White Paper  
Relocation/Sustainment

Exhibit “C” Meteorological Site Survey  
Google Map Image with Drawing  
of Proposed Site – Photo #1

Exhibit “D” Google Map Image with Drawing  
of Proposed Site – Photo #2

Exhibit “E” FAA Siting Order #6560.21A

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**SPECIAL PROCEDURAL REQUIREMENTS**

NA

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**FINANCES**

NA

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**SOURCE OF FUNDS**

NA

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**ALTERNATIVES**

(1) Adopt the resolution as submitted, or (2) Amend the resolution, or (3) Reject the resolution.

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**RECOMMENDATION**

It is recommended that the City Council adopt the resolution.

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**FACT SHEET PREPARED BY:** David H. Kaplovitz,  
Assistant City Attorney

**RESOLUTION NO. \_\_\_\_\_ OF 2022**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OFF-AIRPORT LAND LEASE BETWEEN THE CITY OF SHREVEPORT AND THE FEDERAL AVIATION ADMINISTRATION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO**

**WHEREAS**, The United States Government, acting by and through Federal Aviation Administration (“FAA”), has notified the Shreveport Airport Authority (“SAA”) that with the recent extension of Runway #6 at SHV, there is a need to install an additional Low Level Wind-shear Alert System (LLWAS) tower to provide full LLWAS coverage to the expanded runway in accordance with FAA Sitting Order #6560.21A, relating to the guidelines for the required placement of LLWAS towers on airfields; and

**WHEREAS**, an LLWAS tower monitors wind shear and other weather patterns and assist pilots and aircraft on approach and safely landing onto an airfield; and

**WHEREAS**, the FAA has identified an off-airport site, on city property on the grounds of Fire Station #13 near SHV that is suitable for the installation of this tower; and

**WHEREAS**, the installation of this device on Fire Station #13, in the landing range for aircraft of Runway #6 at SHV, is necessary for the safety and protection of aircraft and passengers arriving at our regional airport; and

**WHEREAS**, the FAA requests to lease an approximately 20 x 20 foot section of land on the grounds of Fire Station #13 for the construction of this tower; and

**WHEREAS**, the FAA will pay no monetary consideration in the form of rental for this lease; however, the FAA will be responsible for the installation, operation and maintenance required of the LLWAS tower and appurtenant equipment during the course of the lease term; and

**WHEREAS**, the term of this Off-Airport Land Lease will extend to September 30, 2037; and

**WHEREAS**, the Shreveport Fire Department has confirmed with SAA Administrative Staff and the City Attorney’s Office that the section of land on the grounds of Fire Station #13 is available for construction of the LLWAS tower; and

**WHEREAS**, pursuant to Louisiana La. R.S. 52:2:

““The state or any state agency *or subdivision may donate or convey to the United States any lands*, movable or immovable property, rights of way, or servitudes which they may own or acquire for use by the United States in connection with

- (1) The improvement and maintenance of the navigation of natural waterways;
- (2) The construction, improvement, and maintenance of artificial navigable waterways, river and harbor works;
- (3) Flood control works;
- (4) *Airports, flying fields, landing fields*, parks, forest preserves, canals, irrigation districts, hospitals, agricultural experiment and research stations, military posts and for any military purposes.

In the case of property owned by Louisiana or any state board, commission, department or agency, the transfer or conveyance shall be performed jointly by the governor and the register of the state land office, with the consent and approval of the lieutenant governor or the attorney general. *The commission council or other governing body of a municipality shall transfer or convey property owned by a*

*municipality*. In the case of a parish, the parish governing authority shall transfer or convey the property, and in the case of any other subdivision of the state the governing body shall transfer the property. (*Italicization* of phrasing for emphasis); and

**WHEREAS**, under the requirements of this statute, the Shreveport City Council, as the governing body of the municipality, must authorize the transfer or conveyance of property owned by the municipality to the FAA,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened that Adrian D. Perkins, Mayor is hereby authorized to execute an Off-Airport Land Lease substantially in the form attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized, empowered, and directed to take any and all such action as may be necessary to carry into effect the provisions of this Resolution.

**BE IT FURTHER RESOLVED** that if any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, but this Resolution shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Resolution which validates or makes legal any provision of this Resolution which would not otherwise be valid or legal, shall be deemed to apply to this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective in accordance with the provisions of Shreveport City Charter Section 4.23.

**BE IT FURTHER RESOLVED** that all resolutions, ordinances or parts thereof in conflict herewith are hereby repealed.

THUS DONE AND RESOLVED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

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City Attorney's Office