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**AMENDMENT NO. 1 TO RESOLUTION 44 OF 2022**

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**RESOLUTION NO. 44 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**

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**AMENDMENT PROPOSED BY:**

David Kaplovitz, Assistant City Attorney

**INSTRUCTIONS:**

Delete and remove from the files the original proposed Fact Sheet to Resolution No. 44 of 2022 and substitute the attached revised Fact Sheet to Resolution 44 of 2022. Add enclosed statute into Resolution's exhibits.

**EXPLANATION OF THE AMENDMENT:**

1. This amendment encloses one additional exhibit into the list of exhibits for this Resolution, a copy of Louisiana Revised Statute 52 §1. This exhibit to this Resolution is now labeled "Exhibit F – Louisiana Revised Statute 52 §1" and is added to the listing of attachments in the "Attachments" section of the revised Fact Sheet. There is no other change to the language or provisions of the Fact Sheet or Resolution.

## 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>
		G
		<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,*

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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...*”

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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

Meteorological Site Survey

Exhibit “C” 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

Exhibit “F” Louisiana Revised Statute 52 §1

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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

## **RS 52:1**

### **TITLE 52 UNITED STATES CHAPTER 1. REALTY, ACQUISITION OF TITLE JURISDICTION OR RIGHT TO USE**

§1. Consent of state to acquisition; state rights unaffected; taxation

A. The United States, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States,<sup>1</sup> may acquire and occupy any land in Louisiana required for the purposes of the federal government. The United States shall have exclusive jurisdiction over the property during the time that the United States is the owner or lessee of the property.

B. The property shall be exempt from all taxation, assessment, or charge levied under authority of the state. Nothing herein shall be construed or held to affect the rights of Louisiana or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon the severance of natural resources, or other rights, property, or assets of any lessee of the United States.

C. The state may serve all civil and criminal process issuing under authority of Louisiana on the property acquired by the United States.

Amended by Acts 1982, No. 510, §1.

<sup>1</sup>U.S.C.A. Const. Art. 1, §8, cl. 17.

