

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: *Jon Jennings, City Manager*
FROM: *Paul Bradbury, Airport Director* *PMB*
DATE: *September 10, 2018*
RE: *Airport Land Use Requirements Imposed by FAA Grant Assurances*

Discussions surrounding the proposed homeless shelter on Holm Avenue have raised questions regarding whether City of Portland owned land at the Portland International Jetport could be used to site a shelter. As you know there are restrictions imposed by the FAA on City of Portland land acquired for and comprising the land area of the Portland International Jetport. This land area is shown on the Portland International Jetport's Exhibit A parcel plan as filed with the FAA and attached to this memo. The parcels which comprise the Portland International Jetport have been acquired over many decades starting with the original acquisition from Mr. Clifford Strange in 1937. These land acquisitions have been funded with federal money from the FAA and its precursor agency the Civil Aeronautics Administration (CAA) with the recognition at the time of acquisition of the land being needed to support aviation at the Jetport.

All land noted on the Jetport's Exhibit A parcel plan is considered to be "dedicated" or "obligated" property for airport purposes. If any dedicated property is not needed for present or future airport purposes, a land release or concurrent use approval from the FAA is required. In order to receive a release the following must apply:

1. Land must be surplus to the needs of aviation, meaning it is not needed for any present or future airport purposes.
2. Proposed future land use must be compliant with FAA recommendations.
3. The land sale or lease must be based upon fair market value and the payments must be considered airport revenue. In some cases, the FAA may require reimbursement if the land was acquired with federal funds.

Obviously the above steps can only be reviewed relative to specific parcels. The current discussion considers using land off District Road near the Portland International Jetport's Discount Parking Lot as a site for a new homeless shelter. The parcel in question is listed as Parcel #26 on the Jetport's attached Exhibit A parcel plan. This parcel was acquired using federal funding in February 1959. The Corporation Counsel's office has reviewed the deed to the parcel, and there are no specific restrictions included in the deed. However, this parcel is currently being used by the Jetport to support a discount parking lot and as a buffer to protect the Runway 11 approach surface. It is also used by the City through a separate lease for snow storage and Public Works support space. In my review this space would not meet the requirements for release due to the following:

- I do not find the land covered within Parcel #26 is as surplus to the needs of aviation. This area acts as a buffer to the noise preferred Runway 11 approach and Runway 29 departure surfaces.

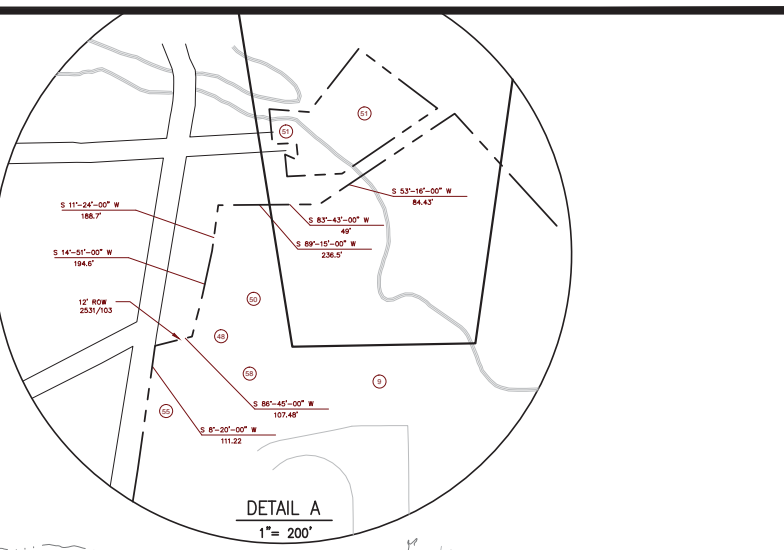
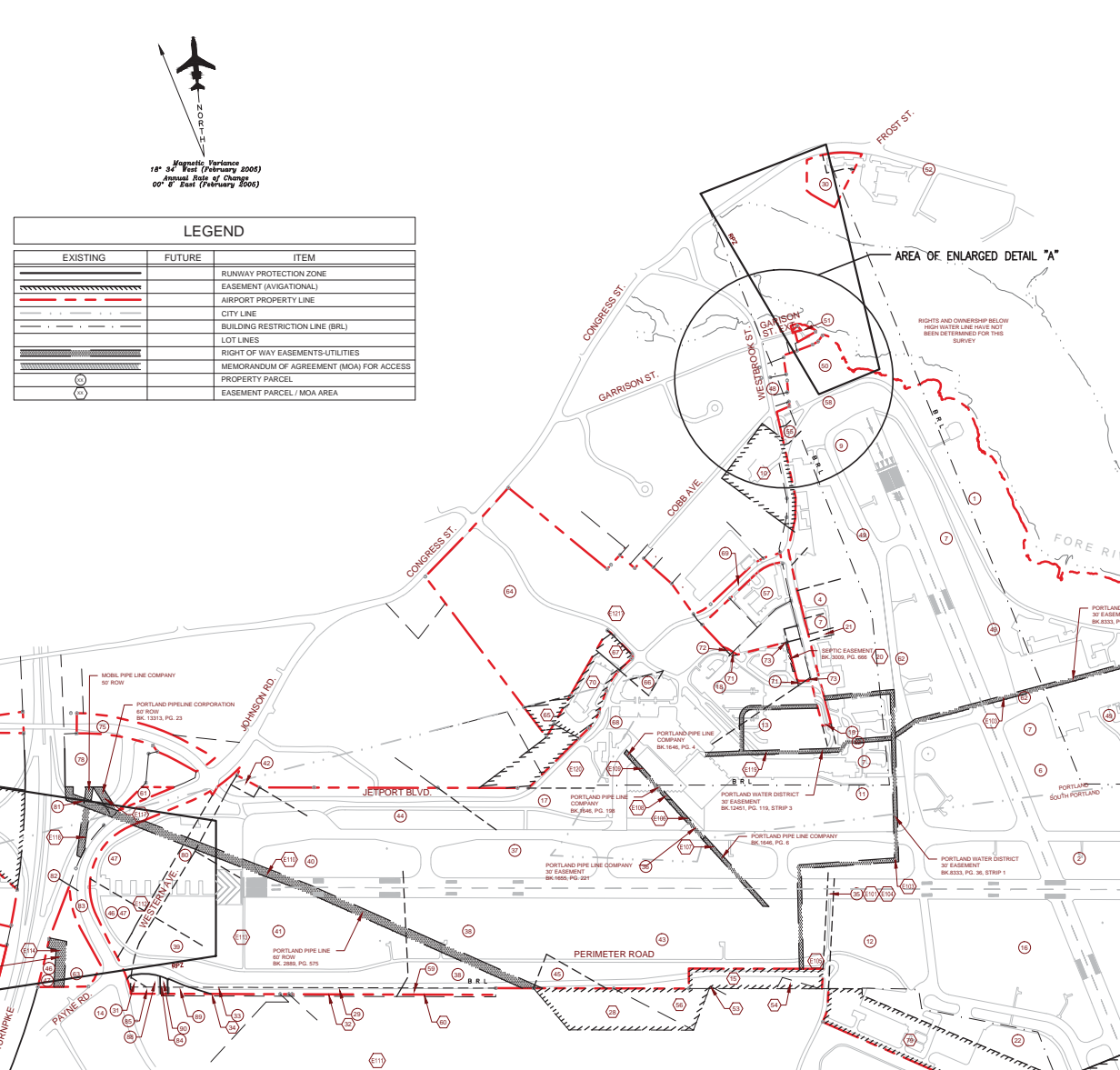
Additionally, the Jetport is a land limited airport at 769 acres. This land is close and accessible to the Jetport and is best used to protect the approach and provide support for airport operations. These airport operational functions include additional parking needs and support space for our aircraft deicing capture operations.

- The use of this land as a homeless shelter is not compliant with FAA land use recommendations. This parcel is within the FAA's 65 decibel Day-Night Average Sound Level (DNL) noise level which is not an appropriate location for most uses including: Residential, Churches, Schools, Hospitals, Nursing Homes, and Libraries. A copy of the FAA Land Use Noise Sensitivity Matrix is attached for review.
- The sale or lease of this parcel would be at fair market value so there is no fiscal advantage to the City to use this parcel over other privately held parcels within the City. Additionally, since this parcel was acquired with federal funds the FAA may require direct fair market value reimbursement for any land within this parcel that is removed from airport use.

Given the aeronautical uses for this parcel and the land use noise incompatibility as a homeless shelter noted above, I do not believe FAA would issue a land release for this parcel. I can discuss and bring the FAA in to review this issue further as needed by you and the City Council.

MAP KEY	GRANTOR	GRANTEE	BOOK/PAGE PLAN NO.	INSTRUMENT	DATE	AREA	REMARKS
E100	STATE OF MAINE	PORTLAND PIPE LINE CORPORATION	3052/765	INDENTURE	08/14/68		
E101	CITY OF PORTLAND	PORTLAND GAS AND LIGHT COMPANY	2462/254	QUIT CLAIM	03/24/59		
E103	CITY OF PORTLAND	PORTLAND WATER DISTRICT	8333/36	EASEMENT	07/09/88		
E104	CITY OF PORTLAND	PORTLAND WATER DISTRICT	2318/11	EASEMENT	10/05/56		
E105	CITY OF PORTLAND	CHAPLIN CORPORATION	2392/289	QUIT CLAIM	01/17/58		DRAINAGE
E106	CITY OF PORTLAND	PORTLAND PIPE LINE COMPANY	1655/221	EASEMENT	10/09/41		
E107	BURTON DENSMORE & GERTRUDE L. DENSMORE	PORTLAND PIPE LINE COMPANY	1646/6	EASEMENT	07/14/41		SEE KEY MAP NO. 36
E108	WALTER C. & ELEANOR JOHNSON NIELSEN, NELLIE R. JOHNSON	PORTLAND PIPE LINE COMPANY	1646/198	EASEMENT	10/03/41		SEE KEY MAP NO. 3
E109	ISSAC FAIRWEATHER	PORTLAND PIPE LINE COMPANY	1646/4	EASEMENT	07/14/41		SEE KEY MAP NO. 18
E110	CITY OF PORTLAND	PORTLAND PIPE LINE CORPORATION	2889/575	EASEMENT	04/20/65		SEE KEY MAP NO. 61, 47, 40, 38 & 45
E111	WILFRED A. HAY, TRUSTEE OF CLINTON C. PHINNEY	SOCOY-VACUUM OIL COMPANY, INC.	1916/392	EASEMENT	07/03/48		SEE KEY MAP NO. 39
E112	FRANK P. CUMMINGS, TRUSTEE OF LEON F. CUMMINGS	SOCOY-VACUUM OIL COMPANY, INC.	1891/137	EASEMENT	12/19/47		SEE KEY MAP NO. 47 (20 FOOT WIDTH)
E113	FRANCIS B. EVANS	SOCOY-VACUUM OIL COMPANY, INC.	1943/446	EASEMENT	01/31/49		SEE KEY MAP NO. 41
E114	CITY OF PORTLAND	PORTLAND WATER DISTRICT	3028/473	INDENTURE	01/31/68		SEE KEY MAP NO. 46
E115	EDWARD S. FINKS AND DOROTHY L. FINKS	PORTLAND WATER DISTRICT	2383/121	WAR. DEED	11/12/57		SEE KEY MAP NO. 25 & 26
E116	CITY OF PORTLAND	PORTLAND WATER DISTRICT	4493/349	EASEMENT	09/14/79		SEE KEY MAP NO. 26 & 27
E117	CITY OF PORTLAND	PORTLAND PIPE LINE CORPORATION	13331/23	EASEMENT	09/10/97		SEE KEY MAP NO. 78
E118	CITY OF PORTLAND	MOBIL PIPE LINE COMPANY	1508/1259	INDENTURE	10/01/99		SEE KEY MAP NO. 78
E119	CITY OF PORTLAND	PORTLAND WATER DISTRICT	1245/1119	EASEMENT	04/16/96		
E120	CITY OF PORTLAND	CENTRAL MAINE POWER	28512/44	EASEMENT	09/08/10		
E121	CITY OF PORTLAND	CENTRAL MAINE POWER	28512/43	EASEMENT	09/08/10		

LEGEND		
EXISTING	FUTURE	ITEM
		RUNWAY PROTECTION ZONE
		EASEMENT (AVIATION)
		AIRPORT PROPERTY LINE
		CITY LINE
		BUILDING RESTRICTION LINE (BRL)
		LOT LINES
		RIGHT OF WAY EASEMENTS/UTILITIES
		MEMORANDUM OF AGREEMENT (MOA) FOR ACCESS
		PROPERTY PARCEL
		EASEMENT PARCEL / MOA AREA

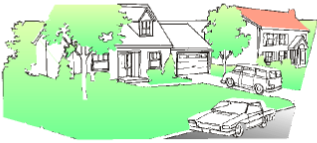




MAP KEY	GRANTOR	GRANTEE	INST.	BOOK	PAGE	DATE	Ac.	REMARKS
1	HERBOLD SEIDERS	CITY OF PORTLAND	WAR. DEED	1648	80	4/23/38	1.15	PART OF 1 ALSO TAKEN BY CONDEMN. 1532/305
2	HERBERT JACKSON	CITY OF PORTLAND	CONDEMNATION	1634	492	5/2/41	12.4	PARCEL 2 IN 1634/492
3	FAIRWEATHER, NELSON & LARRABEE	CITY OF PORTLAND	CONDEMNATION	1634	492	5/2/41	28.1	PARCEL 2 IN 1634/492
4	GEORGE W. MILLS	CITY OF PORTLAND	WAR. DEED	1639	63	5/6/41	2.29	PART OF 4 ALSO TAKEN BY CONDEMN. 1532/305
5	STATE OF MAINE	CITY OF PORTLAND	G.C. DEED	1647	460	7/30/41	4.59	
6	CLIFFORD STRANGE	CITY OF PORTLAND	WAR. DEED	1543	276	3/1/38	15.3	
7	CLIFFORD STRANGE	CITY OF PORTLAND	CONDEMNATION	1532	305	6/30/37	-	
8	PORTLAND CITY AIRPORT	CITY OF PORTLAND	WAR. DEED	1543	277	3/1/38	139.2	
9	PORTLAND CITY AIRPORT	CITY OF PORTLAND	CONDEMNATION	1532	305	6/30/37	-	
10	FLOELLA A. MAXWELL	CITY OF PORTLAND	WAR. DEED	1504	410	9/23/36	2.06	ROAD R.O.W. B 1504 P 409; POLE LINE R.O.W. B 1507 P275
11	MILKEN HEIRS & CUMMINGS ESTATE	CITY OF PORTLAND	CONDEMNATION	1634	492	5/2/41	24.05	PARCEL 3 IN 1634/492
12	ROBERT D. JACKSON	CITY OF PORTLAND	EASEMENT	1532	301	6/30/37	-	CONDEMNATION OF AIR RIGHTS
13	CLIFFORD STRANGE	CITY OF PORTLAND	WAR. DEED	1507	149	9/25/47	1.6	FEDERAL PROJECT NO. 9-17-001-702
14	CLIFFORD STRANGE	CITY OF PORTLAND	CONDEMNATION	1680	157	8/5/47	1.6	FEDERAL PROJECT NO. 9-17-001-702
15	STATE OF MAINE	CITY OF PORTLAND	WAR. DEED	2238	63	7/22/55	8.1	FEDERAL PROJECT NO. 9-17-001-508
16	ELEANOR J. NIELSON	CITY OF PORTLAND	WAR. DEED	2381	436	7/9/57	9.60	FEDERAL PROJECT NO. 9-17-001-581
17	EDNA MAXFIELD	CITY OF PORTLAND	EASEMENT	72	256	6/17/55	-	CONDEMNATION OF AIR RIGHTS. 9-17-001-508
18	MERLE P. CHAPLIN	CITY OF PORTLAND	EASEMENT	72	256	6/17/55	-	CONDEMNATION OF AIR RIGHTS. 9-17-001-508
19	STATE OF MAINE	CITY OF PORTLAND	G.C. DEED	3028	471	1/24/68	16.5	FEDERAL PROJECT NO. 9-17-001-C916
20	BROOKLAWN MEM. PARK	CITY OF PORTLAND	CONDEMNATION	3007	617	6/19/67	6.3	PARCEL B-8 IN 3007/617. 9-17-001-C916
21	BERTRAM J. FAIRWEATHER	CITY OF PORTLAND	WAR. DEED	3009	666	8/30/67	12.6	FEDERAL PROJECT NO. 9-17-001-C916
22	BERTRAM J. FAIRWEATHER	CITY OF PORTLAND	CONDEMNATION	3007	617	6/19/67	-	SEE PARCEL B-8 IN 3007/617. 9-17-001-C916
23	CUMBERLAND COUNTY COMMISSIONERS	CITY OF PORTLAND	DISCONTINUED	DOCKET	1175	JAN 1957	1.18	CUMBERLAND CO. COMM. RECORDS, 9-17-001-508
24	LLEWELLYN PRESSLEY	CITY OF PORTLAND	EASEMENT	2365	139	7/18/57	792.57	GROWTH RESTRICTION. 9-17-001-5811
25	PORTLAND CITY AIRPORT	CITY OF PORTLAND	G.C. DEED	1503	216	7/13/36	1.30	
26	STATE OF MAINE	CITY OF PORTLAND	G.C. DEED	3028	471	1/24/68	24.5	FEDERAL PROJECT NO. 9-17-001-C916
27	STATE OF MAINE	CITY OF PORTLAND	EASEMENT	3028	469	1/24/68	96	EASEMENT FOR UNOBSTRUCTED AIR SPACE. 9-17-001-C916
28	HARRY HARMON & GEORGE HUTCHINS	CITY OF PORTLAND	EASEMENT	3010	683	8/31/67	9.2	EASEMENT FOR UNOBSTRUCTED AIR SPACE. 9-17-001-C916
29	HARRY HARMON & GEORGE HUTCHINS	CITY OF PORTLAND	EASEMENT	3007	617	6/19/67	9.2	PARCEL D-1 IN 3007/617. 9-17-001-C916
30	EDWARD S. & DOROTHY L. FINKS	CITY OF PORTLAND	WAR. DEED	2457	262	2/13/59	4.30	FEDERAL PROJECT NO. 9-17-001-5912
31	EDWARD S. & DOROTHY L. FINKS	CITY OF PORTLAND	WAR. DEED	2457	262	2/13/59	86.09	FEDERAL PROJECT NO. 9-17-001-5912
32	CITY OF PORTLAND	W.H. NICHOLS CO.	WAR. DEED	2990	627	4/4/67	28.77	PARCEL SOLD-FAA RELEASE 2/27/87 AVG. ESMT. RETAINED
33	BERGIN ASSOCIATES INC.	CITY OF PORTLAND	EASEMENT	3007	617	6/19/67	5.62	PARCEL D-1 IN 3007/617. 9-17-001-C916
34	ADC BUILDING FUND INC. et al.	CITY OF PORTLAND	CONDEMNATION	3007	617	6/19/67	1.01	PARCEL B-2 IN 3007/617. 9-17-001-C916
35	OTIS J. & DOROTHY J. AUGUST	CITY OF PORTLAND	WAR. DEED	3909	306	9/17/76	2.25	6-23-0038-10
36	ADC BUILDING FUND INC.	CITY OF PORTLAND	CONDEMNATION	3007	617	6/17/67	0.11	PARCEL B-4 IN 3007/617. 9-17-001-C916
37	ADC BUILDING FUND INC.	CITY OF PORTLAND	EASEMENT	3007	617	6/17/67	0.28	PARCEL B-2 IN 3007/617. 9-17-001-C916
38	ADC BUILDING FUND INC.	CITY OF PORTLAND	CONDEMNATION	3007	617	6/17/67	1.31	PARCEL B-1 IN 3007/617. 9-17-001-C916
39	ADC BUILDING FUND INC.	CITY OF PORTLAND	EASEMENT	3007	617	6/17/67	0.32	PARCEL B-1 IN 3007/617. 9-17-001-C916
40	CUMBERLAND COUNTY COMMISSIONERS	CITY OF PORTLAND	DISCONTINUED	21	226	1/9/55	2.30	FEDERAL PROJECT NO. 9-17-001-508
41	BURTON DENSMORE	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	20	FEDERAL PROJECT NO. 9-17-001-508
42	BURTON DENSMORE	CITY OF PORTLAND	WAR. DEED	2257	189	9/13/55	5.22	FEDERAL PROJECT NO. 9-17-001-508
43	BROOKLAWN MEM. PARK	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
44	BROOKLAWN MEM. PARK	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
45	CLINTON C. PHINNEY & ROBERT D. SCHWARTZ	CITY OF PORTLAND	G.C. DEED	2256	4289	11/28/55	15.2	FEDERAL PROJECT NO. 9-17-001-508
46	CLINTON C. PHINNEY & ROBERT D. SCHWARTZ	CITY OF PORTLAND	G.C. DEED	2256	4289	11/28/55	8.03	FEDERAL PROJECT NO. 9-17-001-508
47	CLINTON C. PHINNEY & ROBERT D. SCHWARTZ	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
48	JOHN M. DENSMORE	CITY OF PORTLAND	WAR. DEED	2257	271	1/27/55	49	FEDERAL PROJECT NO. 9-17-001-508
49	JOHN M. DENSMORE	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
50	JOHN M. DENSMORE	CITY OF PORTLAND	WAR. DEED	2257	271	1/27/55	49	FEDERAL PROJECT NO. 9-17-001-508
51	MOBIL PIPE LINE CO.	CITY OF PORTLAND	G.C. DEED	3051	721	7/1/55	21.8	
52	FRANCIS B. EVANS	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
53	JOHN E. DENSMORE	CITY OF PORTLAND	WAR. DEED	2241	473	8/9/55	0.50	FEDERAL PROJECT NO. 9-17-001-508
54	JOHN E. DENSMORE	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	0.50	FEDERAL PROJECT NO. 9-17-001-508
55	MERLE P. CHAPLIN	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	24.1	FEDERAL PROJECT NO. 9-17-001-508
56	CHRISTIAN KRAGELAND	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	22.9	FEDERAL PROJECT NO. 9-17-001-508

MAP KEY	GRANTOR	GRANTEE	INST.	BOOK	PAGE	DATE	Ac.	REMARKS
45	SOUTH PORTLAND GARDENS	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	1.72	FEDERAL PROJECT NO. 9-17-001-508
46	WALTER & STELLA KORZENIEWSKI	CITY OF PORTLAND	WAR. DEED	2278	228	3/3/55	6.80	FEDERAL PROJECT NO. 9-17-001-508
47	WALTER & STELLA KORZENIEWSKI	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
48	FRANK P. CUMMINGS ESTATE	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	10.9	FEDERAL PROJECT NO. 9-17-001-508
49	THOMAS J. JR. & PAT A. FOLEY	CITY OF PORTLAND	WAR. DEED	4040	177	8/22/77	0.23	SEE ACTUAL DESCRIPTION IN 2531/101. 6-23-0038-11
50	PORTLAND CITY AIRPORT	CITY OF PORTLAND	G.C. DEED	1503	217	10/24/35	19.62	
51	JAMES C. MORRIS (TRUSTEE)	CITY OF PORTLAND	WAR. DEED	3420	259	6/19/73	4.65	
52	KENNETH I. PARKER (PER REP)	CITY OF PORTLAND	WAR. DEED	7715	172	4/7/87	0.5	3-23-0038-19
53	ROBERT D. SCHWARTZ et al. (TRUSTEE)	CITY OF PORTLAND	EASEMENT	2453	324	1/15/59	-	RIGHT TO ENTER 10' STRIP
54	EDWARD P. GALLAGHER	CITY OF PORTLAND	EASEMENT	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
55	CHAPLIN CORP.	CITY OF PORTLAND	EASEMENT	72	256	6/17/55	-	FEDERAL PROJECT NO. 9-17-001-508
56	RAY L. LITTLEFIELD III	CITY OF PORTLAND	WAR. DEED	3894	331	3/14/77	1.0	6-23-0038-11
57	DIAMOND GARDNER CORP.	CITY OF PORTLAND	EASEMENT	3007	617	6/19/67	2.6	PARCEL D-18 - 3007/617. 9-17-001-C916
58	NEVER OWNED BY CITY. PARCEL B-4 IN CONDEMNATION DEED 3007/617 IN ERROR. SEE AFFIDAVIT 3/5/18							
59	RAY L. & JOHAN L. LITTLEFIELD	CITY OF PORTLAND	WAR. DEED	3550	07	5/24/74	0.60	
60	AIRPORT REALTY CORP.	CITY OF PORTLAND	CONDEMNATION	3007	617	6/19/67	0.82	PARCEL B-8 IN 3007/617. 9-17-001-C916
61	AIRPORT REALTY CORP.	CITY OF PORTLAND	EASEMENT	3007	617	6/19/67	0.25	PARCEL E-3 IN 3007/617. 9-17-001-C916
62	FRANK P. CUMMINGS ESTATE	CITY OF PORTLAND	CONDEMNATION	72	256	6/17/55	3.79	FEDERAL PROJECT NO. 9-17-001-508
63	PORTLAND CITY AIRPORT	CITY OF PORTLAND	WAR. DEED	1465	141	1/23/35	12.8	
64	CITY OF PORTLAND	STATE OF MAINE	CONDEMNATION	11456	276	5/31/94	0.13	
65	BCD AIRPORT PARTNERS	CITY OF PORTLAND	CONDEMNATION	9492	231	3/4/91	66.5	
66	APEX INC.	CITY OF PORTLAND	QUITCLAIM	10203	192	7/9/92	1.06	
67	CITY OF PORTLAND	BROOKLAWN MEM. PARK	G.C. W/COVEN	13400	006	10/23/97	1.06	PART OF 64
68	BROOKLAWN MEMORIAL PARK	CITY OF PORTLAND	AVIG. ESMT.	13395	309	10/24/97	1.06	
69	APEX INC.	CITY OF PORTLAND	QUITCLAIM	10203	192	7/9/92	0.32	
70	CITY OF PORTLAND	BROOKLAWN MEM. PARK	G.C. W/COVEN	13400	006	10/23/97	0.94	PART OF 64
71	BROOKLAWN MEMORIAL PARK	CITY OF PORTLAND	AVIG. ESMT.	13395	309	10/16/97	0.94	
72	BROOKLAWN							



Land Use Noise Sensitivity Matrix

		55-65 DNL	65-75 DNL	75+ DNL
 Residential	1-2 Family	Yellow	Red	Red
	Multi-Family	Yellow	Red	Red
	Mobile Homes	Yellow	Red	Red
	Dorms, etc.	Yellow	Red	Red
 Institutional	Churches	Yellow	Red	Red
	Schools	Yellow	Red	Red
	Hospitals	Yellow	Red	Red
	Nursing Homes	Yellow	Red	Red
	Libraries	Yellow	Red	Red
 Recreational	Sports/Play	Yellow	Yellow	Red
	Arts/Instructional	Yellow	Red	Red
	Camping	Yellow	Yellow	Red
Commercial	All Uses	Yellow	Yellow	Yellow
Industrial	All Uses	Yellow	Yellow	Yellow
Agricultural	All Uses	Yellow	Yellow	Yellow

PER FAR PART 150	COMPATIBLE	Yellow
	INCOMPATIBLE	Red

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