Build Kansas Fund | Fiscal Year 2025 Application Package | Memo



To: Representative Troy Waymaster, Chair, Build Kansas Advisory

Committee

Chardae Caine, Kansas Legislative Research Department Shauna Wake, Office of the Kansas State Treasurer

From: Matthew A. Volz, PE, Executive Director, Kansas Infrastructure Hub

RE: Build Kansas Fund Application #2025-088-MARC

Date: March 14, 2025

Attached, please find an application made to the Build Kansas Fund by the City of Gardner. The application packet includes the following items:

- Coversheet provides a high-level overview of the application including a unique identification number, page 1 of 17 of the Build Kansas Fund Application Package.
- Build Kansas Fund Application includes information submitted with the Build Kansas Fund Application, pages 2-7. Page 8 provides the table of funding sources and zip codes served by the project.
- Attachments
 - Executive Summary, pages 9-14.
 - Administrative Settlement, page 15.
 - Airport Land Aquisition Checklist, pages 16-17

Project Overview

The City of Gardner seeks funding from the Federal Aviation Administration (FAA) for funding available through the Airport Infrastructure Grants (AIG) program for their Gardner Airport Tract 8 Land Acquisition program for the purpose of purchasing and clearing of land near Gardner airport to secure air rights and preserve approach slope near runway.

This opportunity is a formula BIL program with a local match requirement of 5% of the total project cost. The entity is requesting \$24,736.00 from the Build Kansas Fund, and is providing a local match of \$2,749.00 This request has the potential to unlock \$522,215.00 in federal funds, for a total project cost of \$549,700.00.

The deadline is May 1, 2025 and this Build Kansas Fund application was received on January 21, 2025.

Build Kansas Fund Steering Committee Recommendation

The Build Kansas Fund Steering Committee reviewed this application on March 12, 2025 following a successful completeness check. The Steering Committee **RECOMMENDS APPROVAL** of Build Kansas Funding to the Build Kansas Advisory Committee for final advice.

Build Kansas Fund | Fiscal Year 2025 Application Package | Coversheet

Funding Recommendation



Build Kansas Fund Application Number	2025-088-MARC				
Applicant Name	City of Gardner				
Application Date Received	1/21/2025				
Project Name	Gardner Airport Tract 8 Land Acquisition				
Project Description	Purchase and clearing of land near Gardner airport to secure air rights and preserve approach slope near runway.				
Entity Type	Local government				
Economic Development District (EDD) Planning Commission	MARC				
Infrastructure Sector(s)	Transportation				
BIL Program	Airport Infrastructure Grant (AIG) Program				
BIL Program Type	Formula				
Application Type	Implementation				
BIL Application Deadline	5/1/2025				
Build Kansas Fund Request	\$24,736.00				
	General Yes ⊠ No □				
	BIL Application Yes□ No⊠				
Technical Assistance Received	Build Kansas Fund Application Yes⊠ No□				
	Other (Brief Description):				
	Provided general and BKF Application support.				
	Build Kansas Fund contribution of \$24,736.00 will unlock				
Application Notes	\$522,215.00 in federal BIL funding, with a local cash				
Application Notes	contribution of \$2,749.00 for a total project cost of				
	\$549,700.00.				
Steering Committee Funding Recommendation	3/12/2025 Recommend ⊠ Declined □				
Advisory Committee	3/18/2025 Recommend □ Declined □				

Title City of Gardner

by Jennifer Jordan-Spence in Build Kansas Fund Application

id. 49407177

01/21/2025

120 E MAIN ST GARDNER, Kansas 66030 KS

United States 9138560928

jjordan@gardnerkansas.gov

Original Submission

02/04/2025

Score n/a Part 1: Applicant Information The name of the City of Gardner entity applying for the Build Kansas Fund: Project Name: Gardner Airport Tract 8 Land Acquisition Local Government Entity type: **Entity Population:** 25,378 **Applicant Contact** Jen Name: Jordan-Spence **Applicant Contact Grant Coordinator** Position/Title: **Applicant Contact** +19138560928 Telephone Number: **Applicant Contact** jjordan@gardnerkansas.gov Email Address: **Applicant Contact** 16540 Moonlight Rd Address: **Applicant Contact** Address Line 2 (optional): **Applicant Contact** Gardner City:

Applicant Contact Kansas State: Applicant Contact Zip 66030 Code: No Is the Project Contact the same as the Applicant Contact? **Project Contact** Matt Name: Just **Project Contact** Senior Staff Engineer Position/Title: **Project Contact** +19138560957 Telephone Number: **Project Contact** mjust@gardnerkansas.gov Email Address: 120 E. Main Street **Project Contact** Address: **Project Contact**

Address Line 2 (optional):

Project Contact City: Gardner

Project Contact State:

Kansas

Project Contact Zip

66030

Code:

Part 2: Build Kansas Fund - Eligibility Criteria

Certify that you are pursuing a Bipartisan Infrastructure Law (BIL) funding opportunity for which your entity is eligible:

Yes

Certify that the Yes Bipartisan Infrastructure Law (BIL) funding opportunity you are pursuing has a required non-federal match component:

What is the primary county that the project will occur in?

Johnson County

The Build Kansas Fund is intended to support Kansas-based infrastructure projects. Please provide a list of all the zip codes this project will be located in, along with an estimated percent [%] of the project located in that zip code. For example, if seeking funding for road infrastructure, provide a rough percent of the roads expected in each zip code:

Zip Code Percentage.xlsx

Part 3: Bipartisan Infrastructure Law (BIL) - Grant Application Information Please Note: This information is related to the federal Bipartisan Infrastructure Law (BIL) funding opportunity to which you will apply. This is NOT information for the Build Kansas Match Fund.

Please enter the Bipartisan Infrastructure Law (BIL) funding opportunity title that the entity is applying for:

BIL- Airport Infrastructure Grant (AIG) Program

What is the funding agency for this Bipartisan Infrastructure Law (BIL) funding opportunity?

Federal Aviation Administration

What is the **Assistance Listing** Number (ALN) for this Bipartisan Infrastructure Law (BIL) funding opportunity?

20.106

What is the federal application due date for this Bipartisan Infrastructure Law (BIL) funding opportunity?

5/1/2025

Application Type:

Implementation

What is the federal fiscal year for this Bipartisan Infrastructure Law (BIL) funding opportunity?

2025

Enter the amount of funding being applied for, from the Bipartisan Infrastructure Law (BIL) funding opportunity:

\$522,215.00 for a total project cost of \$549,700.00.

Enter the total project \$549,700.00

cost:

Enter the required non-federal match percentage:

5%

Part 4: Build Kansas Fund - Match Application Information Beginning in July 2024 and moving forward, eligible applicants are expected to contribute a portion of the non-Federal match requirement. This contribution can be in the form of cash and/or in-kind contributions. The goal is to demonstrate the applicant's commitment to the project. The contribution should be significant enough relative to the Build Kansas Fund request. For a local public entity, 5% of the non-federal match is a good guideline, but not a requirement. See Build Kansas Fund Program Guidance for exceptions and more information.

cash match amount being requested from the Build Kansas Fund:

Enter the non-federal \$24,736.00 for a total project cost of \$549,700.00.

cash match amount being provided by the eligible applicant, if applicable:

Enter the non-federal \$2,749.00 for a total project cost of \$549,700.00.

Enter the estimated 00 value of the non-federal in-kind match amount being provided by the eligible applicant, if applicable:

Expected breakdown of funding sources to support the project: Enter the funding source and projected amount from each source to support this project:

Kansas+DOT+table V2.xlsx

funding sources for toward this project.

Part 6: Additional Information

this project:

Kansas+DOT+table_V2.xlsx					
	Part 5: Build Kansas Fund - Means Test and Eligible Applicant Match				
What other available funding sources that are currently planned to go unused by your entity will be leveraged for this project?	N/A				
Will any American Rescue Plan Act (ARPA) or Coronavirus State & Local Fiscal Recovery Fund monies will be used for the non-federal match?	No No				
What other sources of in-kind match will be leveraged for this project? Please list and include the actual or estimated value of each.	N/A				
What other funding sources (local, federal, or non-federal) will be used for this match?	Gardner Airport Fund				
_	The City has been allocated BIL Airport Infrastructure Grant (AIG) Program funds annually from FY 2022 – FY 2025 and seeks to apply all funds				

Please upload a draft or final version of the Bipartisan Infrastructure Law (BIL) program grant application associated with this request OR an executive summary providing an overview of the project:

K34_Tract_8_Acquisition_FAA_Grant_Application_BIL-AIG-019.pdf

about this project not covered in previous sections of this	The FAA has prioritized the acquisition of the property for purposes of securing air rights associated with the present and future "Runway Protection Zone" and/or approach slope of the Airport.A Runway Study and Airport Layout Plan Update was completed in 2016 with objective of identifying obstructions and other conflicting land uses within the Airport's Runway Protection Zones (RPZs) and to offer mitigation recommendations.One such finding and recommendation was the purchase of the Gardner residential property located within the Runway 35 RPZ and the clearing of its existing structures.
	Part 7: Terms and Conditions
Understanding of Fund Release Requirements:	checked
Understanding of Use of Funds:	checked
Understanding of Reporting Requirements:	checked
Authority to Make Grant Application:	checked
Persons and Titles: The following persons are responsible for making this Build Kansas Fund application.	Jen Jordan-Spence
Position/Title:	Grant Coordinator
Additional:	
Position/Title:	
Additional:	
Position/Title:	
Additional:	
Position/Title:	

Source	Amount	% of Project
Build Kansas Funds (non-federal match)	\$24,736.00	4.50%
Eligible Applicant Cash Match	\$2,749.00	0.50%
Eligible Applicant In-Kind Match (estimated value)	\$0.00	0.00%
BIL Federal Funds (applied for)	\$522,215.00	95.00%
Additional Project Contribution (if applicable)		
TOTAL PROJECT COST	\$549,700.00	100.00%

	% of project in zip	
Zip Code	code	State
66030	100%	Kansas
	100%	in Kansas

Executive Summary of Gardner's BIL AIG Project

PROJECT: The simple acquisition of Tract 8, consisting of 0.86 acres, for Runway 35 Runway Protection Zone

AIRPORT: Gardner Municipal Airport (K34)

Objective: The FAA has prioritized the acquisition of the property for purposes of securing air rights associated with the present and future "Runway Protection Zone" and/or approach slope of the Airport. A Runway Study and Airport Layout Plan Update was completed in 2016 with objective of identifying obstructions and other conflicting land uses within the Airport's Runway Protection Zones (RPZs) and to offer mitigation recommendations. One such finding and recommendation was the purchase of the Gardner residential property located within the Runway 35 RPZ and the clearing of its existing structures.

The existing structures and trees were found to be a hazard to flight operations due to their presence in the runway protection zone. To mitigate this hazard, the City will purchase the land, relocate the occupants and demo/clear the lot. This project will fund the fee simple acquisition of 0.86 acres (Tract 8) of land to accommodate the Runway 35 Runway Protection Zone (RPZ).

Benefits Anticipated: Safety improvements and land use control - owning the Runway Protection Zone in fee simple.

Federal requirements for land clearance: Contained below are the sections from the FAA Airport Design Advisory Circular regarding acceptable land uses within a Runway Protection Zone (AC 150/5300-13B Change 1 Appendix I) which is what is driving the need for the City of Gardner to acquire Tract 8 a K34:

<u>1.3.2</u>

The RPZ function is to enhance the protection of people and property on the ground. Where practical, airport owners own the property under the runway approach and departure areas to at least the limits of the RPZ. It is desirable to clear the entire RPZ of all above-ground objects to minimize risk to the public. See FAA Memorandum, Interim Guidance on Land Uses Within a Runway Protection Zone, dated 9/27/2012, for guidance on incompatible activities.

1.3.3

The following new land uses within the limits of the RPZ are permissible without further evaluation:

- 1. Farming activities meeting airport design clearance standards.
- 2. Irrigation channels meeting the standards of AC 150/5200-33 and FAA/USDA manual, Wildlife Hazard Management at Airports.

- 3. Airport service roads, as long as they are not public roads and are under direct control of the airport operator.
- 4. Underground facilities, as long as they meet other design criteria, such as RSA standards, as applicable.
- 5. NAVAIDs and aviation facilities, such as equipment for airport facilities considered fixed-by-function in regard to the RPZ.
- 6. Above-ground fuel tanks associated with back-up generators for unstaffed NAVAIDS.

AIG guidance documentation includes allowance of pre-award costs, as long as they were incurred after November 15, 2021. The land acquisition was procured according to Uniform Guidance and was purchased in the correct timeframe. The following provides more information about the allowability of funds: <u>BIL FAQS 3 18 2024.pdf</u> (p. 12)

If there are questions about land acquisition as an allowable expense/activity under BIL, BIL and AIG guidance here lists allowable project expenses, including those for land acquisition, obstruction removal, etc.

- AIP Handbook: Chapter 3 | Federal Aviation Administration
- Further guidance here: Overview: What is AIP & What is Eligible? | Federal Aviation Administration
- BIL language here (multiple references to land acquisition throughout the BIL as allowable expenses/part of infrastructure): PLAW-117publ58.pdf (SECURED)
- A information page put out by Senator Grassley's office about BIL: <u>Myths and Facts: Infrastructure Investment & Jobs Act</u>

The language in the minutes below shows that we paid market value for the land as determined through negotiations, rather than assessed value. Public records related to the purchase here:

- Airport Advisory Committee minutes approving purchase:
 Minutes airportadvisoryboard 20240708.pdf
- Gardner City Council minutes approving purchase:
 Minutes citycouncil 20240819.pdf

Supporting Attachment Details

Documentation of the FAA process for funding land acquisition (how we must purchase prior to applying for funds)- The attached Land Acquisition Project Checklist was obtained from the FAA's website at the following link (<u>Airport Land Acquisition: Land Project Checklist | Federal Aviation Administration</u>) and as noted in Item 18, the project grant application isn't submitted until a determination of final costs is achieved. While it's not necessary for the Airport Sponsor to have "purchased" the property before they are able to submit the grant application, a negotiated purchase price must be determined based on the steps provided.

Documentation that FAA approved the price of the property- The attached administrative settlement was prepared by our land acquisition subconsultant and executed by the City of Gardner. This identifies the original offer price based on the approved appraisal, a summary of negotiations, and the final negotiated amount. This amount was reflected in the attached Land Cost Breakdown Form which was referenced in the Grant Application provided to the FAA for review and comment on 12/15/2024. As noted in the attached email received from the FAA on 12/30/2024, the costs included in the Grant Application were acceptable as submitted.

FAA guidance or U.S. Code that states/calls land acquisition is a type of infrastructure- FAA Advisory Circular 150/5100-17 titled "Land Acquisition and Relocation Assistance for Airport Improvement Program (AIP) Assisted Projects" provides the steps required for acquiring property through the FAA Airport Improvement Program process.

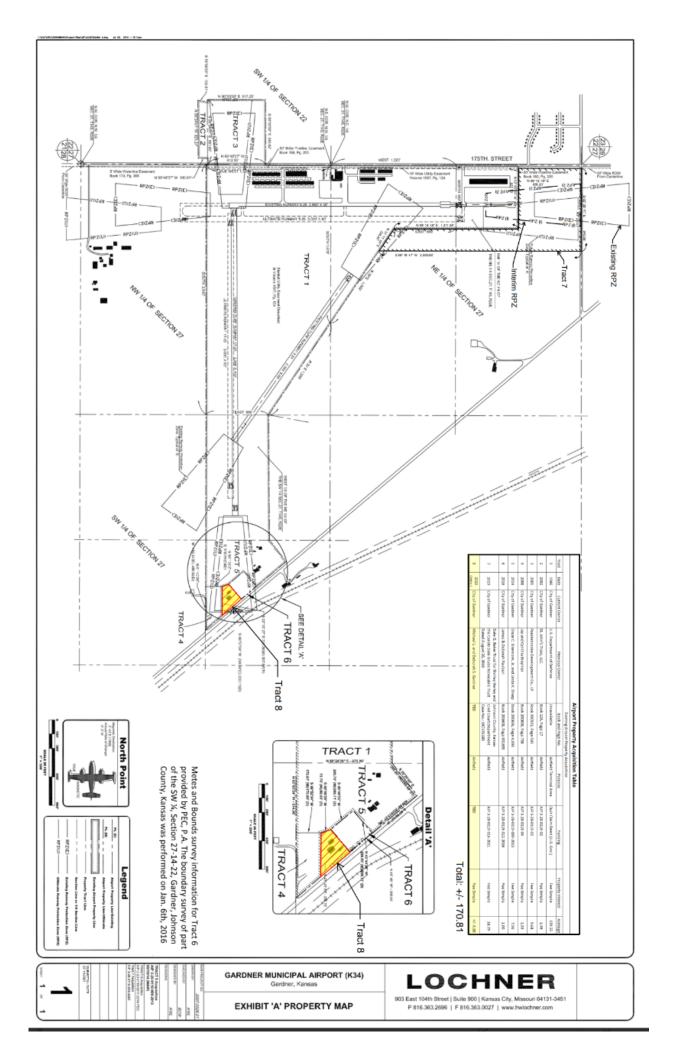
Cost Breakdown of the \$500,000- See attached Cost Breakdown Form dated 12/15/2024 for breakdown of project costs. Please note that this does not include any relocation costs since at the time that this was prepared, we did not anticipate having this step completed prior to the grant submittal deadline. We're currently in the process of finalizing the relocation efforts, and if possible, may update the Grant Application to include these costs prior to submitting to the FAA ahead of the early April deadline. Gardner will cover any matching cost differences if the updated application results in a deviation.

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Property Photos









ADMINISTRATIVE SETTLEMENT

Project:

Gardner Municipal Airport

Parcel:

8

Property:

32230 US 56 Highway, Gardner, Kansas

Property Owner:

Mike & Debbie Gardner 32230 US 56 Highway

Gardner, KS 66030

The subject property is 0.86-acre site that is improved with a ranch style single family residence and outbuilding that will be acquired by the City of Gardner in order for the airport to control the Runway 35 Runway Protection Zone. According to the City zoning code, the property is zoned RU, Agricultural uses and single-family dwellings, 10-Acre. The appraised value of \$360,000 was approved by FAA on May 16, 2023.

Negotiations began in September 2023 with the City of Gardner offering the approved fair market value of \$360,000. On September 28. 2003, the owners countered the offer in the amount of \$640,000. Negotiations continued with the owner being adamant that with the current real estate market it would take at minimum \$500,000 for him to find a replacement property. After a thorough search of the available comparable properties in the City of Gardner and surrounding area, we believe his evaluation is accurate.

The 0.86-acre parcel is a critical property for the control of the airport's Runway 35 Runway Protection Zone, which provides a vital safety function to the Gardner Municipal Airport. The rationalization for recommending accepting the counter of \$500,000 is based on the cost of potential legal fee the City and FAA could incur should it be acquired through condemnation. Legal fees alone could be up to \$20,000, plus an increased Commissioner's award and the additional cost of a jury trial and jury award.

Based upon the above information, the proposed settlement, \$500,000, appears reasonable, prudent and in the public interests of

Prepared hy

Annroyed by

Data

Date



Home / Airports / Airport Compliance / Acquiring Land and Relocation Assistance / Airport Land Acquisition: Land Project Checklist

IN THIS SECTION +

Airport Land Acquisition: Land Project Checklist

While each land acquisition project will be unique, the process of acquiring property generally adheres to the following steps. Detailed procedural guidance is provided in Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects (AC 150/5100-17).

Land Project Checklist

	Land 1 Toject Checklist
Step	Description
1	Develop Exhibit A Property Map that clearly delineates the land to be required
2	Consult with the FAA Project Manager to verify that proposed parcels are identified on an approved Airport Layout Plan (ALP)
3	Verify environmental requirements of the National Environmental Policy Act (NEPA) are met
4	Prepare surveys and plats for proposed property acquisition.
5	Order preliminary title search to confirm ownership and encumbrances on property title
6	Select and negotiate contract for qualified appraiser and review appraiser
7	Select and negotiate contract for Environmental Site Assessment (ESA) consultant (if not completed in project planning phase)
8	Select and negotiate contract for qualified land acquisition and relocation consultant, if required
9	Conduct Environmental Site Assessment of property suspected of being contaminated
10	Prepare relocation plan if there are any persons to be displaced
11	Perform appraisals and appraisal review, and approve appraised fair market value. The property owner shall be given the opportunity to accompany the appraiser on the inspection of the property.
12	Submit appraisal and review appraisal reports to the FAA if required by project manager.
13	Make written offer of just compensation. At initiation of negotiations, provide general notice of the property owner's rights and entitlements on the acquisition of their property and an explanation of the relocation assistance and payment

entitlements. Provide notice of relocation eligibility to displaced persons.

Step Description

- Negotiate purchase agreement. If reasonable attempts to negotiate an agreement or acceptable settlement are unsuccessful, the acquisition may be referred to the sponsor's attorney for condemnation under the airport's eminent domain authority.
- 15 Closing/court award, title conveyance, and schedule possession of acquired property. (Sponsor's attorney / title company /escrow agent.)
- 16 Complete relocation assistance for displaced persons. Assure a comparable replacement dwelling has been made available for all persons displaced from their residence, (as applicable).
- 17 Clear property for project use.
- Furnish project application with Exhibit A Property Map and land acquisition cost breakdown sheet, Certification of Environmental Site Assessment, Certificate of Title, and Sponsor Certification for Real Property.
- 19 Execute grant agreement.
- Submit final <u>Outlay Report and Request for Reimbursement for Construction Programs (Form SF-271)</u> and make final drawdown.

Back to top

Last updated: Wednesday, November 30, 2022

U.S. DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration 800 Independence Avenue, SW Washington, DC 20591 866.835.5322 (866-TELL-FAA) Contact Us

GET IMPORTANT INFO/DATA

Accident & Incident Data

Airport Data & Information Portal (ADIP)

Charting & Data

Flight Delay Information

Supplemental Type Certificates

Type Certificate Data Sheets (TCDS)

REVIEW DOCUMENTS

Aircraft Handbooks & Manuals

Airport Diagrams

Aviation Handbooks & Manuals

Examiner & Inspector

FAA Guidance

Performance Reports & Plans