

**Meeting Date:** January 17, 2023  
**Subject:** Settlement Agreement - Avigation Easement - Runway 23 - James Clements Airport  
**Reviewed By:** City Manager: Dana L. Muscott; Deputy City Manager: Tony Reyes  
**Prepared By:** Tim Botzau, DPW Manager Parks/Environmental Services

**PERTINENT FACTS:**

This recommendation aims to enter into a Settlement Agreement for Avigation Easement for runway 23 at James Clements airport with Short Realty Company, Inc located at 459 South River Road, Bay City, Michigan.

The intent of this easement is to maintain a clear, unobstructed approach to the James Clements Airport, and obstruction removal will be required. Upon execution of this easement, the grantee shall be eligible for federal funding to remove all-natural growth (trees and shrubs that are existing penetrations or have the potential to be obstructions in the future) from the easement property and return the area where vegetation is removed to a clear state after execution of this agreement.

Over the last several years, trees have grown and infringed on the air space and runway protection zone (RPZ protection) of Runway 5/23. These infringements pose an inherent risk to pilots, and this easement will provide relief and the ability to remove any obstructions. Additionally, the presence of these trees required the navigational aids on the Runway 23 approach to be turned off and rendered unusable by the pilots landing on Runway 23.

Avigation Easement (MDOT Aeronautics)  
Description: Avigation Easements are property rights acquired by an airport whenever land use around an airport needs to be controlled (RPZ protection) or when air rights and/or obstruction removal (for example, a tree) is required. Additionally, I am seeking authorization to allow the City Manager and City Attorney to execute the agreement on behalf of the City.

**LEGAL ISSUES:**

The standard MDOT Aeronautics contract will be used. Previously reviewed by the City's attorney and used by the City for past projects

**TIME SENSITIVITY:**

Routine

**BRIEFLY DESCRIBE THE NATURE OF THE TIME SENSITIVITY:**

**FINANCIAL CONSIDERATIONS:**

Federal Share \$294,000  
MDOT Share \$16,350  
Local Share \$16,350  
Estimated PROJECT COST \$327,000

**RECOMMENDED ACTION:**

City Manager recommending Settlement Agreement with Short Realty Company, Inc., Bay City, to obtain an avigation easement over the property located at 459 South River Road, Bay City.  
RECOMMENDATION: Approve.

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**ATTACHMENTS:**

1. DOC122922