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Greensburg Airport Expansion Overview for Dummies

How we got to this point, an overview:

<http://www.jj0955.com/SitePages/jj0955CityofGreensburgAirportInformation.htm>

<http://www.jj0955.com/SitePages/jj0955CityofGreensburgAirportInformation.htm>

Ordinance 2007-4 that established the Greensburg Aviation Commission:

http://www.jj0955.com/PdfFiles/Airport/Ordinance2007_4GreensburgAviationCommission.pdf

Ordinance 2007-7-19 An Ordinance of the Council supporting development of community airport:

http://www.jj0955.com/PdfFiles/Airport/Ordinance2007_07_19GreensburgAirportDevelopment.pdf

Currently the BOAC is waiting for FAA approval of their “expansion plan”. If the FAA approves the “expansion plan” then the BOAC could proceed with land acquisition. FAA approval is critical to have any hope of getting funding from the FAA for the expansion project. As some people have mentioned “ad nauseum”, even if the FAA approves the “expansion plan” there is no guarantee that FAA grant money or funds will be available in the future. If the FAA does not approve the “expansion plan” than it is back to the drawing board for the BOAC and I am not sure what the next step would be for the BOAC if the FAA does not approve the expansion plan.

Funding

In over simplified form, if the FAA approves the expansion plan, the BOAC can make offers to acquire land from landowners. If the landowners do not want to sell their land, the BOAC will have to take legal action to get a court to condemn the land.

Before the BOAC can proceed with Eminent domain and have property condemned for acquisition, in practical terms they need to have the money available to pay for the land. While there may be legal filings or other legal action, generally speaking the money has to be in escrow (or readily available) to pay for the land before proceeding with condemnation as the BOAC will have 60 days to pay for the land once the land is condemned. Those that want more exact information on the procedures for eminent domain and land acquisition should refer to Indiana code using the links provided.

Estimates vary, but IMSO \$3 million would be a conservative estimate for land acquisition. I know the exact amount of money that will be needed will be subject to intense debate; however this amount is based on some assumptions that are not currently included on the following table:

http://www.jj0955.com/images/AirportTable4_2Stage1_CIP.jpg

Until appraisers are appointed by the court, and the official appraisals are completed, and damages and other factors are considered, it is impossible to know the exact amount of money the BOAC will need to acquire the land for expansion. Again those that want to know more about this procedure should refer to Indiana Code.

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More information on property owners and the land the BOAC needs for the expansion:

<http://www.jj0955.com/PdfFiles/Airport/GreensburgPropertyOwners.pdf>

So where is the BOAC going to get the up front money to pay for land acquisition? Remember the FAA grants reimburse, they do not provide up front money. There are several options for funding (and remember this step in the process may not even occur during the current administration and may carry over past 2011):

1. **Donations:** IMSO it will be VERY difficult for the BOAC to get enough money from donations to foot the land acquisition bill.
2. **Common Council:** The BOAC could ask the common council to budget for land acquisition. IMSO I doubt that our elected officials would agree to budget this amount of property tax dollars for the expansion, and I am sure if they considered this option their political future would be at risk. If the BOAC makes a request for additional funding to acquire land from the common council, this would be the time city property taxpayers and voters should call their elected representatives and voice their opinion for or against the expansion.
3. **Mayor:** The mayor has discretionary use of EDIT funds, but again IMSO the incumbent or any other mayor in the future would risk their political future if they agreed to use significant amounts of EDIT funds for the expansion, not to mention the current balance of EDIT fund does not come close to what is needed for the land acquisition. If the BOAC asks the mayor for EDIT fund for the expansion, this would be the time city property taxpayers and voters should call the mayor and voice their opinion for or against the use of edit funds for the expansion.
4. **Airport Authority:** The BOAC could ask the common council to establish an airport authority. At this time, a quorum of the current incumbent common council members have indicated they are not willing to past an ordinance establishing an airport authority. Even if the incumbents or future council members decided to establish an airport authority, IC code for Local Airport Authorities includes a remonstrance provision. This is the time that collecting signatures would actually carry legal weight, and obviously anyone that signed the remonstrance would be against the airport expansion. Information and links concerning IC on the Airport Authority follows:

IC 8-22-3

Chapter 3. Local Airport Authorities

<http://www.in.gov/legislative/ic/code/title8/ar22/ch3.html>

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As mentioned, even if the common council votes to establish a Local Airport Authority per ordinance, taxpayers and voters should note that IC 8-22-3 includes remonstrance provisions:

IC 8-22-3-2

Remonstrance against establishment of authority; petition; certification

Sec. 2. (a) A remonstrance against the establishment of an authority may be made by petition of the registered voters of the district. The petition must be in writing, must bear the signature, date, and address of residence of the remonstrator, and must be filed in the office of the circuit court clerk of the county containing the greatest percentage of population of the district not later than thirty (30) days following the adoption of the ordinance. If at least the number of the registered voters of the district required under IC 3-8-6-3 to place a candidate on the ballot, as certified by the clerk, remonstrate, the clerk shall certify the question under IC 3-10-9 to the county election board of each county in which the district is located. The question of the establishment of an authority shall be submitted to the voters of the district at the next primary or general election at which the question can be placed on the ballot under IC 3-10-9-3. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state: "Shall the airport authority be established?".

(b) Upon certification by the clerk that a remonstrance was not filed by the required number of registered voters and in the time and manner provided, or that the question was submitted to the voters and received the affirmative vote of a majority of those voting upon the question, the authority is established effective as of the next January 1 or July 1 following the certification, whichever date is earlier. The certification by the clerk shall be submitted to the fiscal body of each entity adopting the ordinance or resolution under section 1 of this chapter.

As added by Acts 1980, P.L.8, SEC.73. Amended by P.L.10-1988, SEC.218; P.L.12-1995, SEC.105.

If the BOAC does not get funding for land acquisition, then the project is stalled until funding is acquired or it is back to the drawing board.

If the BOAC does gets funding for land acquisition, as mentioned previously unless the landowners are willing the sell the BOAC would have to proceed with condemnation of the land. Since a reasonable person could question the use of eminent domain for land acquisition for the airport expansion, IMSO this will go to court. While everyone has their own opinion concerning the use of eminent domain for this project, the opinion that will count is the opinion of the court. The court will either render a judgment in favor of the BOAC or in favor of the landowners. Both the landowners and the BOAC will have their day in court. It is possible that any initial ruling could be appealed. This could be a long process, however at the end of the day at some future point the courts will rule to condemn the property or the courts will rule in favor of the landowners. More information on eminent domain can be found at the following link:

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IC 32-24

ARTICLE 24. EMINENT DOMAIN

<http://www.in.gov/legislative/ic/code/title32/ar24/ch1.html>

If the property is condemned, then the BOAC would have to make payment for the land. Should the airport expansion get to this point, then at that time this overview could be continued to include the next steps in the expansion project. However at this time, I see many challenges that have to be met to get to this point and do not see the need to spend time summarizing possible future steps.

It does seem relevant at this point to clarify some misconceptions concerning FAA grants and funding. Some individuals have eluded FAA money comes from property and / or state and federal income taxes (the term tax money is very loosely used). This is not completely true. Individuals and companies that use air transportation pay taxes to help cover costs of developing and running our National Airspace system and for improving / maintaining public use airports. Pilots that pay taxes on aviation gasoline and jet fuel, passengers that pay taxes on their airline tickets, and taxes on freight make up the majority of money that the FAA receives at this time. It is also true the FAA funding is not guaranteed. If the BOAC did not get FAA funding to reimburse land acquisition expenditures, then they might not have the money going forward to proceed with the rest of the project. In that case, they may still need an Airport Authority, which has already been discussed.

It is also important to note that an Airport Authority is a taxing entity, and would use property taxes to back the bonds that would pay for the expansion. If an authority was created by the common council, it WOULD raise property taxes.

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