

32110

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

NO COST LAND ON AIRPORT MEMORANDUM OF AGREEMENT

Agreement Number DTFAWP-10-L-00014

This agreement is made and entered into by the City of Long Beach, hereinafter referred to as the City, for itself, its successors and assigns, and the Federal Aviation Administration, hereinafter referred to as the FAA.

WITNESSETH

WHEREAS, the parties listed above have entered into an Airport Improvement Grant Agreement; and

WHEREAS, the parties listed above have entered into an agreement providing for the construction, operation, and maintenance of FAA owned navigation, communication and weather aids for the support of Air Traffic Operations; and

WHEREAS, the parties consider it desirable to work in cooperation with each other in the technical installation and operation of air navigational aids; and

WHEREAS, both parties agreed the establishment, operation, and maintenance of systems for air traffic control, navigation, communication, and weather reporting is in the primary interest of safety and direct support of the ongoing operation of the Long Beach Municipal Airport.

NOW, THEREFORE, the parties mutually agree as follows:

1. TERMS AND CONDITIONS (Jun-04):

It is mutually understood and agreed that the City requires FAA navigation aid facilities in order to operate their business and that the FAA requires navigation, communication and weather aid facilities at the Airport in order to support Air Traffic Operations. Thus, in the interest of both parties it is hereby agreed that the City will allow the FAA to construct, operate, and maintain FAA owned navigation, communication and weather aid facilities in areas on the Airport that have been mutually determined and agreed upon for the term commencing on March 1, 2010, and continuing through September 30, 2030. The FAA can terminate this agreement, in whole or part at any time by giving at least (60) day's notice in writing. Said notice shall be sent by certified or registered mail.

(a) Together with a right-of-way for ingress to and egress from the premises; a right-of-way for establishing and maintaining pole lines or under ground lines for extending electrical power and/or telecommunications lines to the premises; including a right-of-way for subsurface power, communication and/or water lines to the premises; all right-of-ways to be over the area referred

to as Long Beach Municipal Airport, to be routed reasonably determined to be the most convenient to the FAA and as not to interfere with Airport operations. The City shall have the right to review and comment on plans covering access and utility rights-of-way under this paragraph.

(b) And the right to grading, conditioning, and installing drainage facilities, and seeding the soil of the premises, and the removal of all obstructions from the premises which may constitute a hindrance to the establishment and maintenance of navigational aid systems. The City shall have the right to review and comment on plans covering work permitted under this paragraph.

(c) And the rights to make alterations, attach fixtures, and erect additions, structures or signs, in direct support of the Airport. The City shall have the right to review and comment on plans covering work permitted under this paragraph.

(d) And the right to park, without cost, all official and privately owned vehicles used for the maintenance and operation of the air navigational facilities. Parking shall be provided adjacent to the navigational aid facility or as near as possible without interfering with the operation of the Airport.

2. CONSIDERATION (Aug- 02):

The FAA shall pay the City no monetary consideration, it is mutually agreed that the rights extended to the FAA herein are in consideration of the obligations assumed by the FAA in its establishment, operation, and maintenance of navigational aid facilities upon the premises.

3. PURPOSE (Apr-05):

It is understood and agreed that the use of the herein described premises, known as, Long Beach Municipal Airport shall be related to the FAA's activities in support of Air Traffic operations.

4. FAA FACILITIES (Apr-05)

The FAA facilities covered by this agreement are identified on the most current approved Airport Layout Plan (ALP) and/or other pertinent drawings that is made part of this agreement by reference and shown on the attached FAA "List of Facilities".

5. TITLE TO IMPROVEMENTS (Apr-05):

Title to the improvements constructed for use by the FAA during the life of this agreement shall be in the name of the FAA.

6. HAZARDOUS SUBSTANCE CONTAMINATION (May-00):

The FAA agrees to remediate, at its sole cost, all hazardous substance contamination on the FAA facility premises that is found to have occurred as a direct result of the installation, operation, relocation and/or maintenance of the FAA's facilities covered by this agreement. The City

agrees to remediate or have remediated at its sole cost, any and all other hazardous substance contamination found on the FAA facility premises. The City also agrees to save and hold the U. S. Government harmless for any and all costs, liabilities and/or claims by third parties that arise out of hazardous contamination found on the FAA facility premises that are not directly attributable to the installation, operation and/or maintenance of the facilities on the attached FAA "List of Facilities."

7. INTERFERENCE WITH FAA OPERATIONS (Oct-96):

The City agrees not to erect or allow to be erected any structure or obstruction of whatsoever kind or nature within the Airport's boundaries that may interfere with the proper operation of the navigational aid facilities installed by the FAA, as it is not in the best interest of the City or the FAA.

8. FUNDING RESPONSIBILITY FOR FAA FACILITIES (Oct-96):

The City agrees that any relocation, replacement, or modification of any existing or future FAA's navigational aid systems made necessary by Airport improvements or changes, which interferes with the technical and/or operational characteristics of the facility, will be at the expense of the City, with the exception of any such improvements or changes which are made at the request of the FAA. In the event such relocations, replacements, or modifications are necessary due to causes not attributable to either the City or the FAA, funding responsibility shall be determined by mutual agreement between the parties.

9. NON-RESTORATION (Oct-96):

It is hereby agreed between the parties, that upon termination of its occupancy, the FAA shall have no obligation to restore and/or rehabilitate, either wholly or partially, the property which is the subject matter of this agreement. It is further agreed that the FAA may abandon in place any or all of the structures and equipment installed in or located upon said property by the FAA during its tenure. Such abandoned equipment shall become the property of the City.

10. NOTICES (Oct-96):

All notices/correspondence shall be in writing, reference the Agreement number, and be addressed as follows:

City of Long Beach
Long Beach Municipal Airport
333 W. Ocean Boulevard
Long Beach, CA 90802

FEDERAL AVIATION ADMINISTRATION
ATTN: Real Estate & Utilities Team, AWP-53B
15000 Aviation Blvd.
Lawndale, CA 90261

11. Previous Lease(s)/Agreement(s)

This agreement supersedes the following leases:

DTFA08-95-L-14634/LOC, Rwy 12/30
DTFAWP-04-L-23060/RT
DTFA08-00-L-20427/VASI, Rwy 16R
DTFA08-02-L-21646/GS, Rwy 30
DTFA08-02-L-21647/RVR Projector, Rwy 30
DTFA08-02-L-21648/MALSR, Rwy 30
DTFAWP-03-L-22537/RR
DTFA08-98-L-18543/VASI, Rwy 25R
DTFA08-98-L-18546/VASI, Rwy 12
DTFA08-02-L-21662/MM, Rwy 30

The above leases are hereby terminated.

12. The following clauses are incorporated by reference: The full text of these clauses can be found via Internet at Land On-Airport Lease (.http://fasteditapp.faa.gov/ams/do_action)

1. OFFICIALS NOT TO BENEFIT (10/96)
2. COVENANT AGAINST CONTINGENT FEES (8/02)
3. ANTI-KICKBACK (10/96)

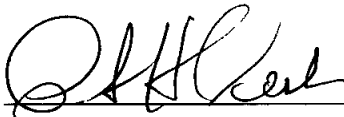
13. The following are attached and made a part hereof: Exhibits "A" through "I".

14. SIGNATURES (Apr-04):

The City and the FAA hereby agree to the provisions outlined in this agreement as indicated by the signatures herein below of their duly authorized representative (s). This agreement is effective upon the date of signature by the last party thereof.

CITY OF LONG BEACH

**UNITED STATES OF AMERICA,
FEDERAL AVIATION ADMINISTRATION**

By: 

By: 

Title: City Manager

Title: Real Estate Contracting Officer

Date: 1/12/11

Date: 1/20/2011

APPROVED AS TO FORM

1-16, 2011
ROBERT E. SHANNON, City Attorney

By 
RICHARD ANTHONY
DEPUTY CITY ATTORNEY

Dated 2/18/2010

List of Facilities

**MEMORANDUM OF AGREEMENT
DTFAWP-10-L-00014**

LONG BEACH MUNICIPAL AIRPORT

<u>Number</u>	<u>Facility</u>	<u>R/W</u>	<u>GSA</u>	<u>Comments</u>
		<u>Number</u>	<u>Control</u>	
			<u>Number</u>	
1.	Localizer	12/30		See Exhibit "A" for Legal Description and Restricted Areas.
2.	VASI	16R		See Exhibit "B" for Legal Description and Restricted Areas.
3.	VASI	25R		See Exhibit "C" for Legal Description and Restricted Areas.
4.	VASI	12		See Exhibit "D" for Legal Description and Restricted Areas.
5.	Glide Slope (GS)	25R		See Exhibit "E" for Legal Description and Restricted Areas.
6.	MALSR	12		See Exhibit "F" for Legal Description and Restricted Areas.
7.	Remote Receiver (RR)			See Exhibit "G" for Legal Description
8.	RVR Projector	30		See Exhibit "H" for Legal Description
9.	Remote Transmitter (RT)			See Exhibit "I" for Legal Description
10.	SAWS			No Previous Lease
11.	ASOS			Collocated with SAWS
11.	LCGSR			New Installation. No Previous Lease

LEGAL DESCRIPTION

**LOC, Runway 12/30
Long Beach Municipal Airport
Long Beach, CA**

The following describe real property situate entirely within the interior boundary of the Long Beach Municipal Airport, City of Long Beach, County of Los Angeles, State of California.

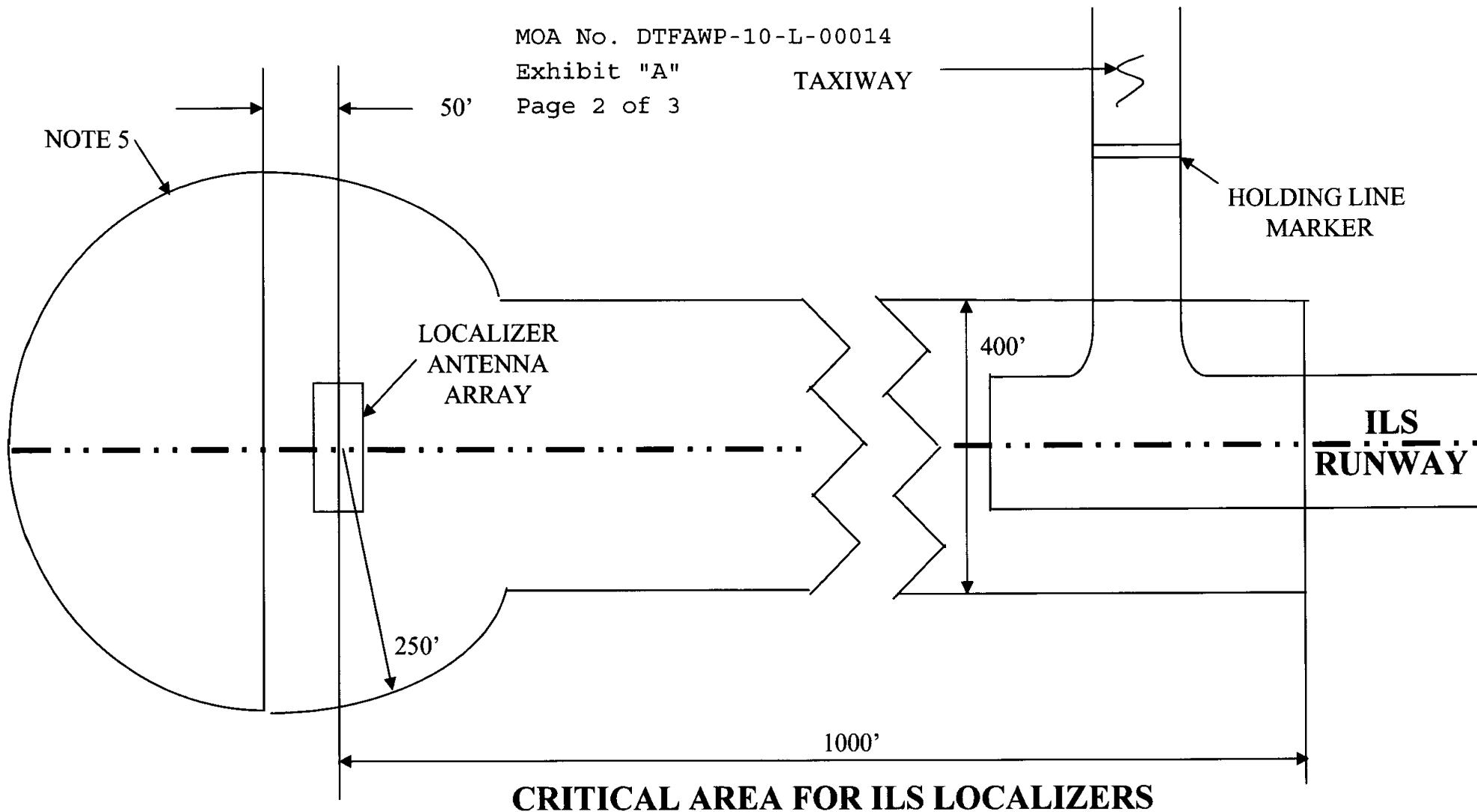
From the Airport Reference Point (ARP-1944) on Runway 12/30 centerline proceed in direction of N 45° 17' 10" W, 4720 feet to the true Point of Beginning (POB).

From POB proceed:

S 44° 42' 50" W a distance of 330 feet; thence
N 45° 17' 10" W a distance of 120 feet; thence
N 44° 42' 50" E a distance of 380 feet; thence
S 45° 17' 10" E a distance of 120 feet; thence
S 44° 42' 50" W a distance of 50 feet; to the true POB.

Access to the described leasehold is not included in this agreement and shall be provided by the City of Long Beach.

TAXIWAY

**NOTES:**

1. Critical area indicated by shaded zone.
2. No surface traffic permitted to hold or park in critical area when a landing aircraft has passed the outer marker inbound on this localizer.
3. All surface traffic shall hold at the "Holding Line Marker" until cleared through the critical area by the ATCT during LFR operations involving this Localizer.
4. Facility maintenance vehicles may enter the critical area when traveling along "clear" access routes to the equipment shelter without ATCT clearance.
5. The double crosshatched area is deleted from the critical area when a uni-directional localizer antenna array is installed. The Traveling Wave Antenna and the Log Periodic Dipole Antenna arrays are in this category.
6. This critical area pertains to all aircraft smaller than a DC-10 and ground vehicles.

LOCALIZER RESTRICTED AREA: The lessor shall agree to restrict the critical areas as follows:

- a. **Interference Sources:** The areas shall be kept free from further development of all buildings, power lines, fences, light standards, trees, shrubs, etc., which would derogate the radiation patterns of the localizer antennas.
- b. **Surface Traffic:** The areas shall be kept free of such surface traffic as cars, trucks, trains, planes, tractors, mowing equipment, etc., during landings by aircraft using this localizer during instrument flight rule conditions. FAA maintenance personnel may park vehicles in the vicinity of the localizer building/trailer while the facility is in operation in accordance with FAA orders.
- c. **Vegetation Growth:** Vegetation shall not be permitted to exceed 12 inches in height in the restricted areas. The lessor shall notify the FAA in sufficient time prior to any mowing or other sustained activity in order that a NOTAM may be issued and personnel scheduled to shut down the localizer during such operations and return it to service afterwards.

No crops may be grown in this restricted area.

- d. **Placing & Maintaining Hold Lines:** The airport shall be responsible for placing and maintaining hold lines and signs on all roads and taxiways entering the restricted areas. The hold lines and signs shall indicate the position where aircraft and vehicles require Air Traffic authorization before proceeding into the restricted area.

These restrictions shall apply unless permitted otherwise in writing by the FAA.

LEGAL DESCRIPTION

**VASI, Runway 16R
Long Beach Municipal Airport
Long Beach, CA**

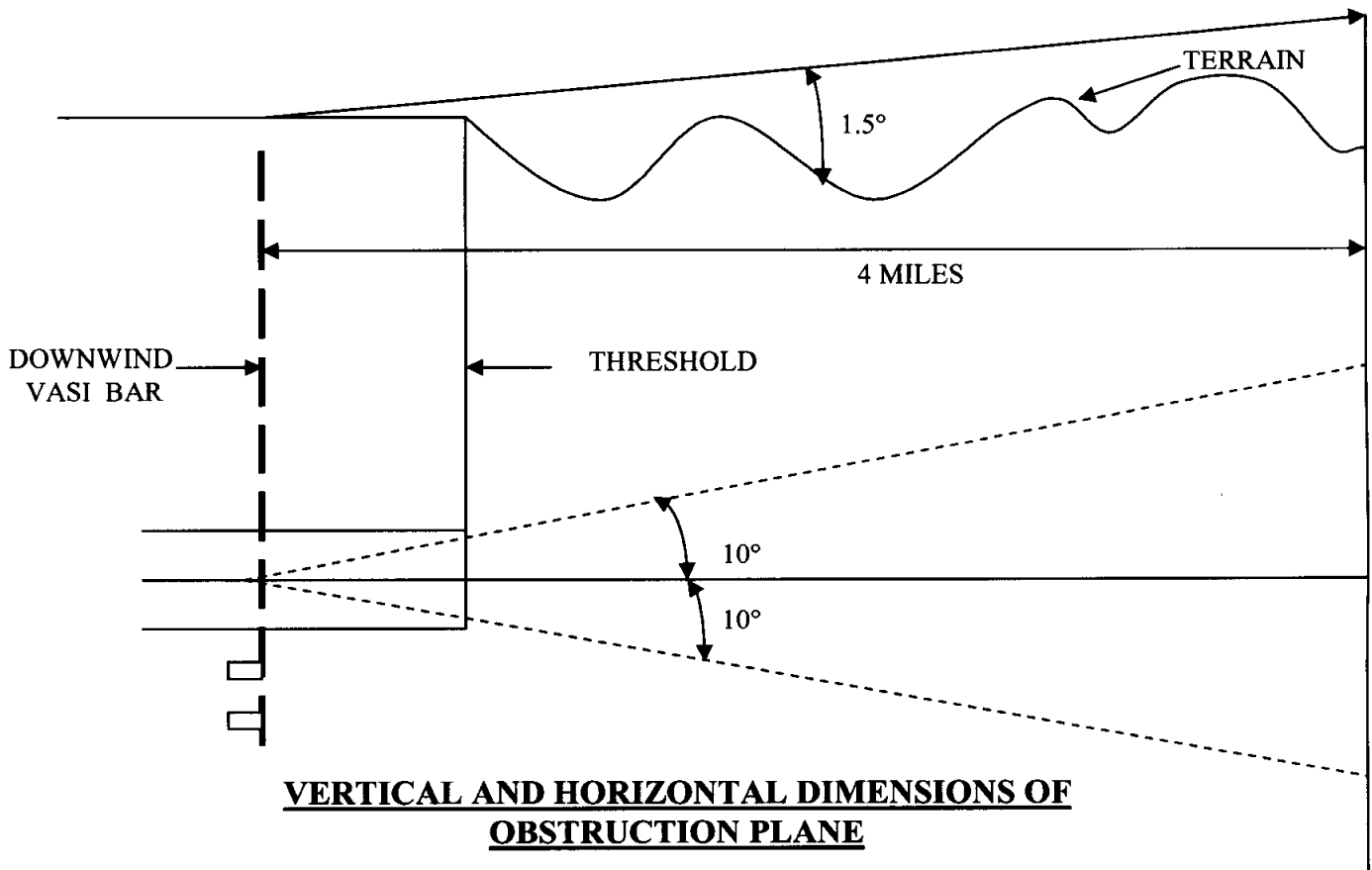
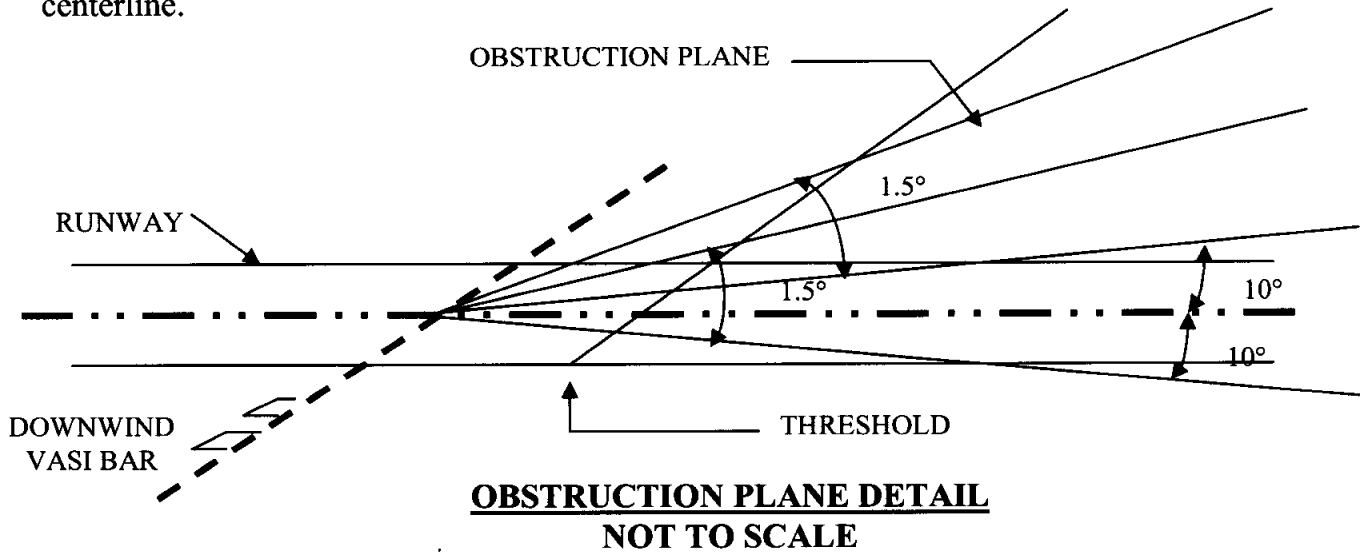
Parcel A:

Beginning at a point 276 feet southerly of the displaced threshold located on the centerline of Runway 16R, proceed 115 feet westerly on a line perpendicular to the runway centerline. This point establishes the southeast corner of a rectangular segment 50 feet west by 20 feet north with sides perpendicular and parallel to the runway centerline to be leased for the Downwind VASI units. This plot contains 0.023 acres, more or less.

Parcel B:

Beginning at a point 776 feet southerly of the displaced threshold located on the centerline of Runway 16R, proceed 115 feet westerly on a line perpendicular to the runway centerline. This point establishes the southeast corner of a rectangular segment 50 feet west by 20 feet north with sides perpendicular and parallel to the runway centerline to be leased for the Upwind VASI units. This plot contains 0.023 acres, more or less.

Obstructions: Obstructions in the approach area shall be removed or controlled. The approach area is a triangular plane established by the location of the downwind VASI bar. The vertex of the plane is the runway centerline opposite the downwind VASI bar and extends outward FOUR (4) miles at an angle of $1\frac{1}{2}^\circ$ vertically and 10° horizontally on both sides of the runway centerline.



LEGAL DESCRIPTION

**VASI, Runway 25R
Long Beach Municipal Airport
Long Beach, CA**

Parcel A

That portion of lot 51 of Tract No. 8084 as recorded in Map Book 171, page 28 of Maps, Records of Los Angeles County, in the City of Long Beach, County of Los Angeles, State of California, more particularly described as follows, using bearings based on the California Coordinate System, Zone VII:

Beginning at the centerline of the intersection of Lakewood Boulevard and Conant Street, a point marked by City of Long Beach Monument No. 2907 perpetuating a monument marking the center of Section 16 (T 4 S, R 12 W, S.B.B.M.) and being the point of beginning; thence South $10^{\circ} 47' 25.89''$ West 890.58 feet to a point; said point being the centerline of Runway 25R at the east end of the runway; thence North $89^{\circ} 53' 47.30''$ West 931.50 feet along the centerline of said runway; thence South $0^{\circ} 6' 12.70''$ West 140 feet to the true point of beginning; thence South $0^{\circ} 6' 12.70''$ West 50.00 feet; thence North $89^{\circ} 53' 47.30''$ West 20.00 feet; thence North $0^{\circ} 6' 12.70''$ East 50.00 feet; thence South $89^{\circ} 53' 47.30''$ East 20.00 feet to the true point of beginning. Containing an area of 0.023 acres, more or less.

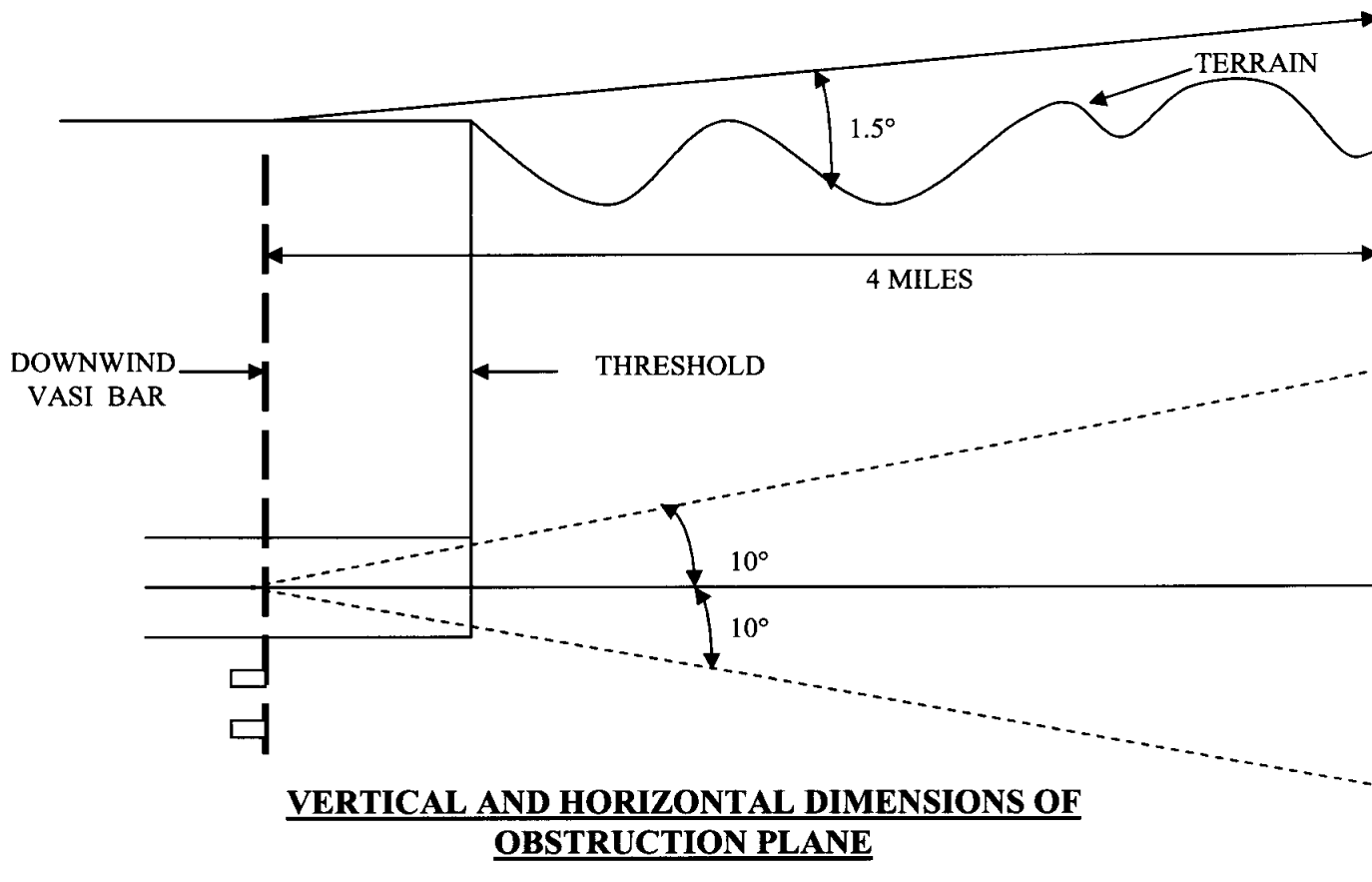
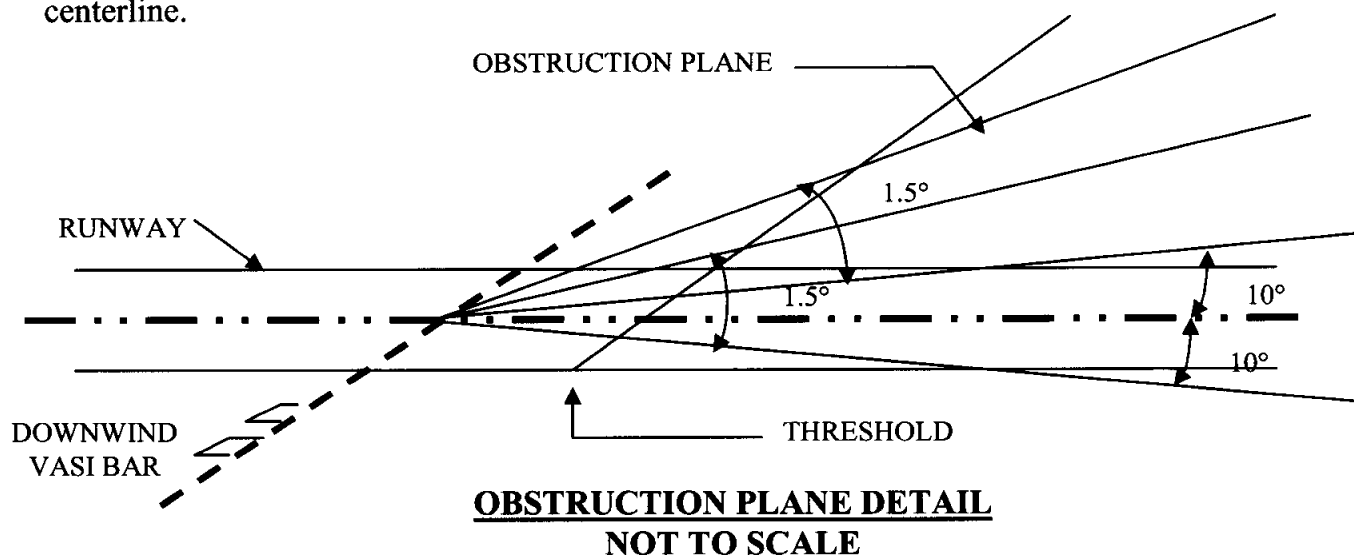
Parcel B

That portion of lot 51 of Tract No. 8084 as recorded in Map Book 171, page 28 of Maps, Records of Los Angeles County, in the City of Long Beach, County of Los Angeles, State of California, more particularly described as follows, using bearings based on the California Coordinate System, Zone VII:

Beginning at the centerline of the intersection of Lakewood Boulevard and Conant Street, a point marked by City of Long Beach Monument No. 2907 perpetuating a monument marking the center of Section 16 (T 4 S, R 12 W, S.B.B.M.) and being the point of beginning; thence South $10^{\circ} 47' 25.89''$ West 890.58 feet to a point; said point being the centerline of Runway 25R at the east end of the runway; thence North $89^{\circ} 53' 47.30''$ West 1731.50 feet along the centerline of said runway; thence South $0^{\circ} 6' 12.70''$ West 140 feet to the true point of beginning; thence South $0^{\circ} 6' 12.70''$ West 50.00 feet; thence North $89^{\circ} 53' 47.30''$ West 20.00 feet; thence North $0^{\circ} 6' 12.70''$ East 50.00 feet; thence South $89^{\circ} 53' 47.30''$ East 20.00 feet to the true point of beginning.

Containing an area of 0.023 acres, more or less.

Obstructions: Obstructions in the approach area shall be removed or controlled. The approach area is a triangular plane established by the location of the downwind VASI bar. The vertex of the plane is the runway centerline opposite the downwind VASI bar and extends outward FOUR (4) miles at an angle of $1\frac{1}{2}^\circ$ vertically and 10° horizontally on both sides of the runway centerline.



LEGAL DESCRIPTION

**VASI, Runway 12
Long Beach Municipal Airport
Long Beach, CA**

Parcel A

That portion of lot 49 of Tract No. 8084 as recorded in Map Book 171, page 28 of Maps, Records of Los Angeles County, in the City of Long Beach, County of Los Angeles, State of California, more particularly described as follows, using bearings based on the California Coordinate System, Zone VII:

Beginning at the northwest corner of Lot 48, said corner being the point of beginning; thence North $63^{\circ} 37' 15.9''$ East 851.97 feet to a point, said point being the centerline of Runway 12 at the northwest end of the runway; thence South $45^{\circ} 22' 59''$ East, 1743.82 feet along the centerline of said runway; thence North $44^{\circ} 37' 01''$ east, 170.00 feet to the true point of beginning; thence North $44^{\circ} 37' 01''$ East 50.00 feet; thence South $45^{\circ} 22' 59''$ East 20.00 feet; thence South $44^{\circ} 37' 01''$ West 50.00 feet; thence North $45^{\circ} 22' 59''$ West 20.00 feet to the true point of beginning.

Containing 0.023 acres, more or less.

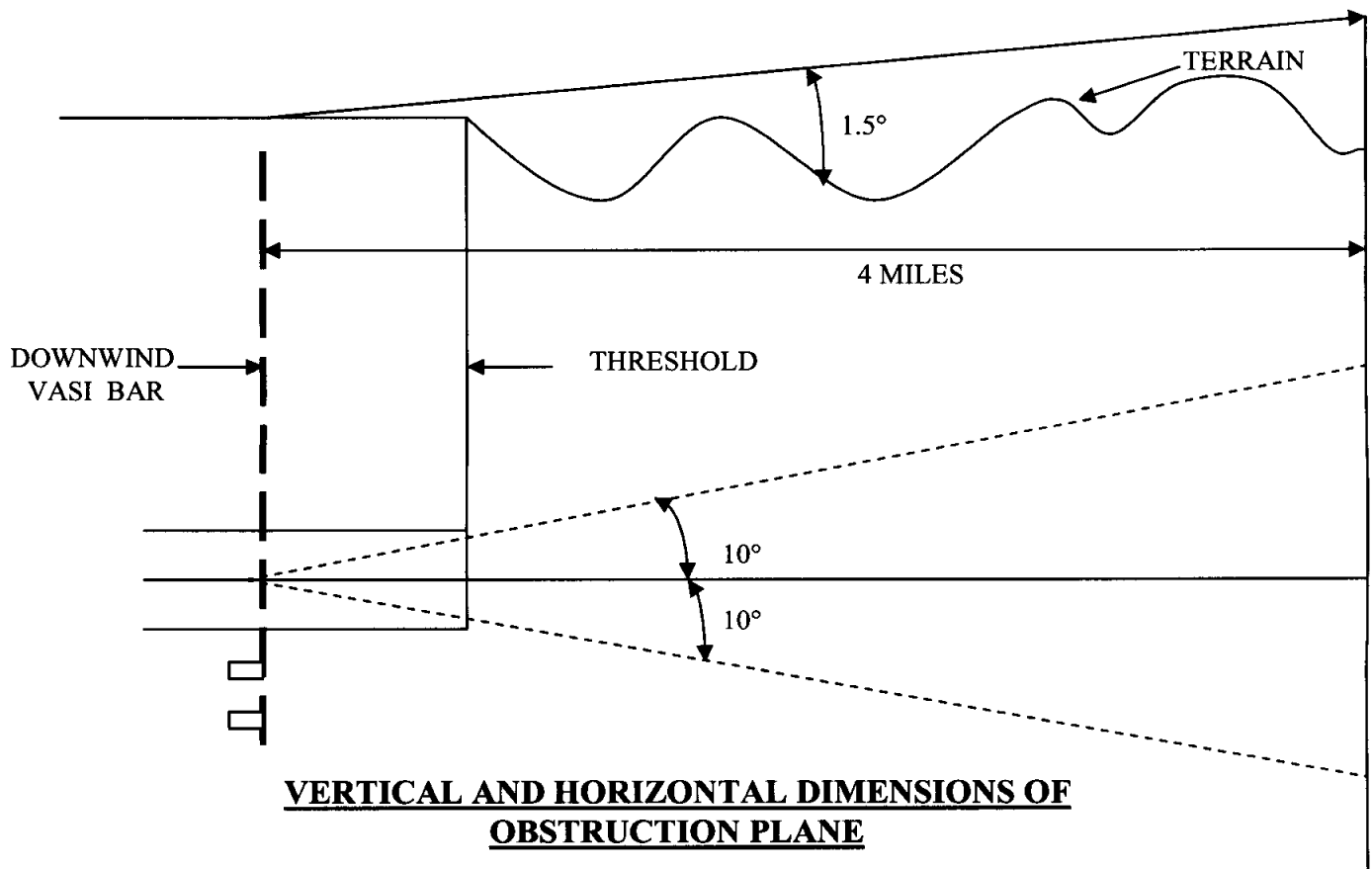
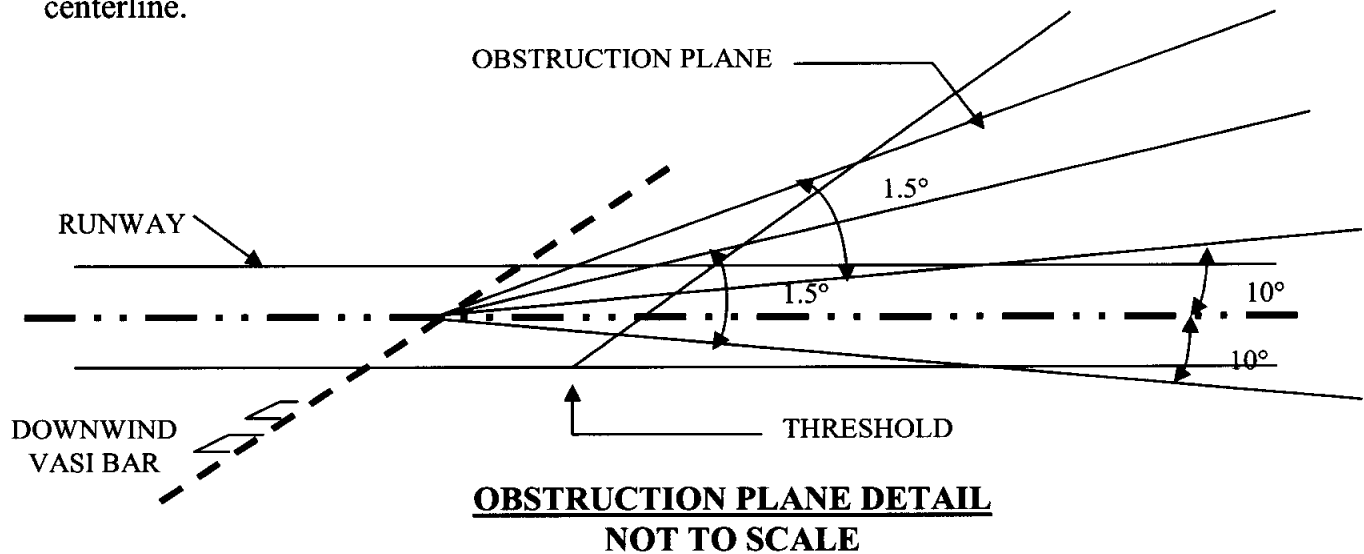
Parcel B

That portion of lot 49 of Tract No. 8084 as recorded in Map Book 171, page 28 of Maps, Records of Los Angeles County, in the City of Long Beach, County of Los Angeles, State of California, more particularly described as follows, using bearings based on the California Coordinate System, Zone VII:

Beginning at the northwest corner of Lot 48, said corner being the point of beginning; thence North $63^{\circ} 37' 15.9''$ East 851.97 feet to a point, said point being the centerline of Runway 12 at the northwest end of the runway; thence South $45^{\circ} 22' 59''$ East 2743.82 feet along the centerline of said runway; thence North $44^{\circ} 37' 01''$ East 170.00 feet to the true point of beginning; thence North $44^{\circ} 37' 01''$ East 50.00 feet; thence South $45^{\circ} 22' 59''$ East 20.00 feet; thence South $44^{\circ} 37' 01''$ West 50.00 feet; thence North $45^{\circ} 22' 59''$ West 20.00 feet to the true point of beginning.

Containing 0.023 acres, more or less.

Obstructions: Obstructions in the approach area shall be removed or controlled. The approach area is a triangular plane established by the location of the downwind VASI bar. The vertex of the plane is the runway centerline opposite the downwind VASI bar and extends outward FOUR (4) miles at an angle of $1\frac{1}{2}^\circ$ vertically and 10° horizontally on both sides of the runway centerline.



LEGAL DESCRIPTION

**Glide Slope (GS), Runway 30
Long Beach Municipal Airport
Long Beach, CA**

Beginning at a point on runway centerline 2000 feet from the southeastern end of the existing runway 12-30, said point also known as the displaced threshold of runway 30, thence N 45° 17' 10" W (true) along the runway centerline a distance of 1090 feet; thence continuing S 44° 42' 50" W a distance of 200 feet to the true point of beginning of the following described parcel:

S 45° 17' 10" E a distance of 150 feet; thence
S 44° 42' 50" W a distance of 100 feet; thence
N 45° 17' 10" W a distance of 230 feet; thence
N 44° 42' 50" E a distance of 80 feet to the true point of beginning, containing
0.53 acres, more or less.

D = Longitudinal distance from threshold to glide slope antenna

Y = Perpendicular distance from runway CL to glide slope antenna

Z = The least of (a) 3000' (b) distance to airport property line (c) distance to where smooth terrain terminates

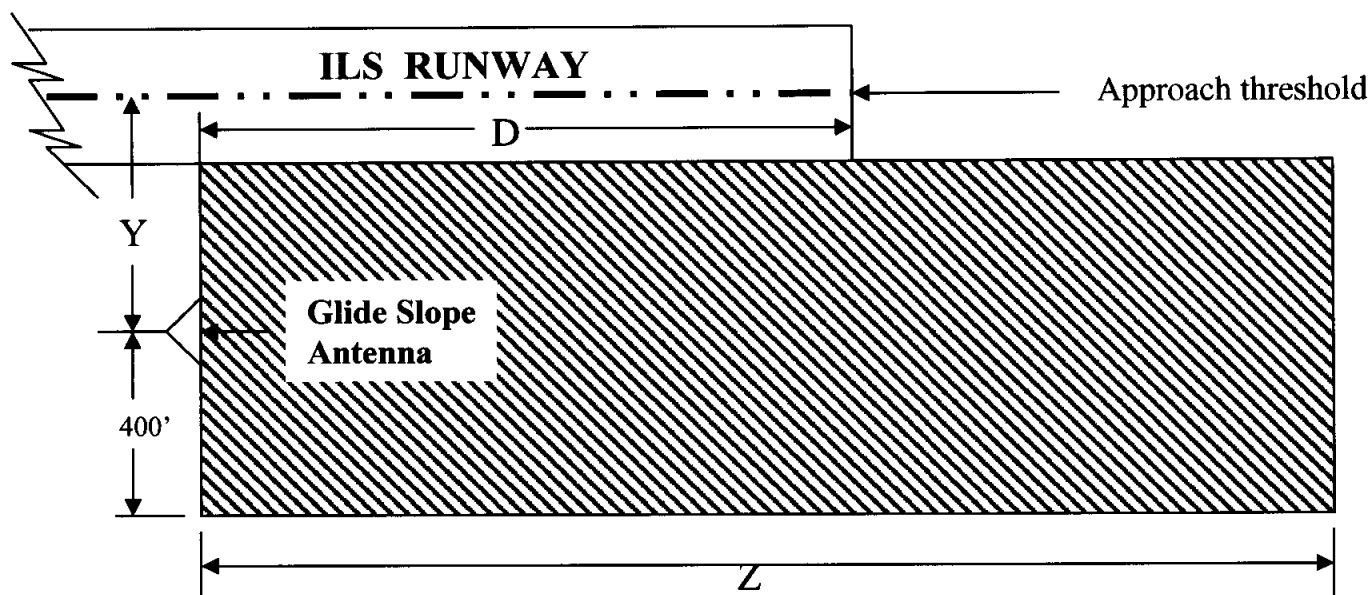


FIGURE 1. GLIDE SLOPE REFLECTIVE AREA

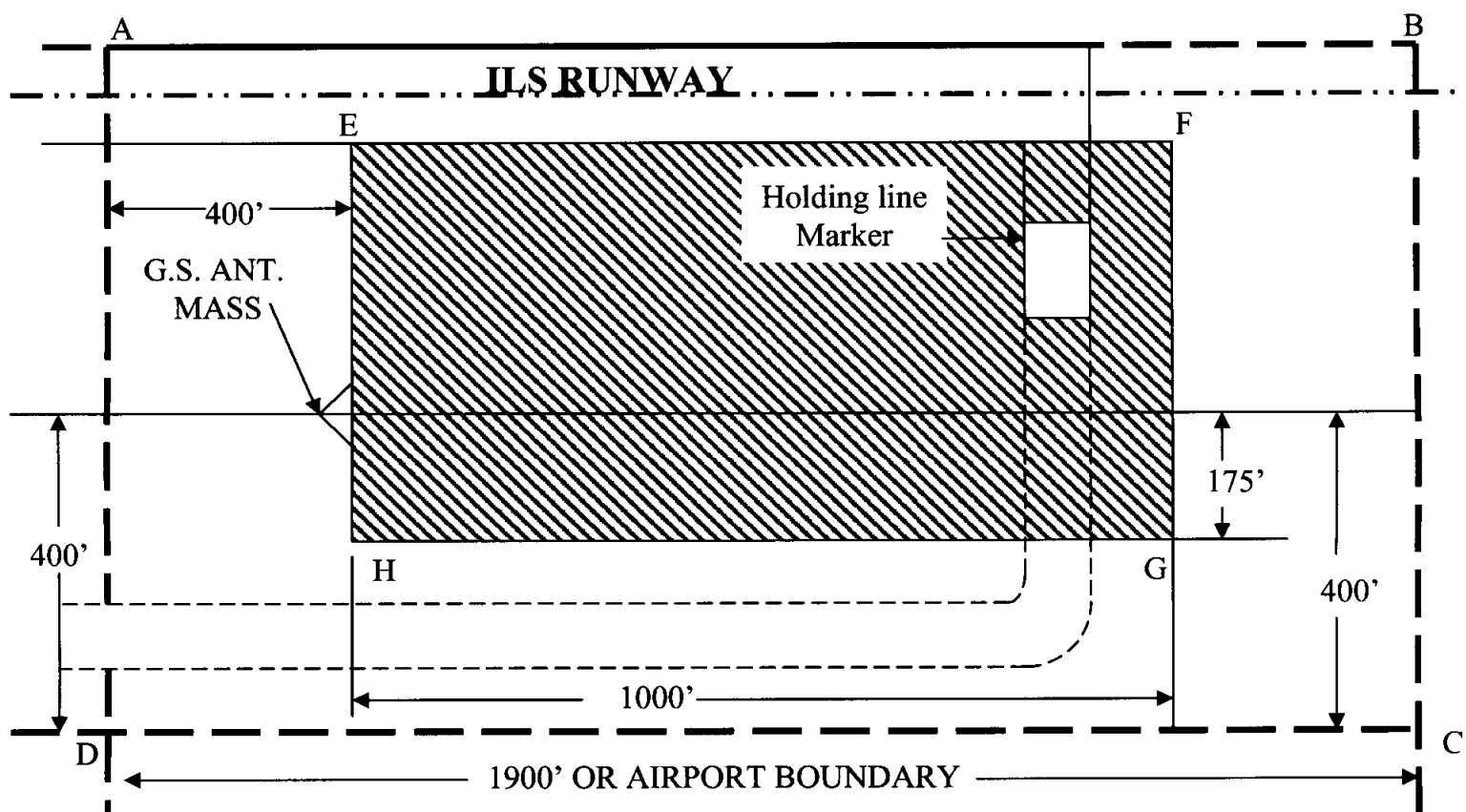


FIGURE 2. GLIDE SLOPE CRITICAL AND NO-PARKING AREAS.

LEGAL DESCRIPTION

MALSR, Runway 30 Long Beach Municipal Airport Long Beach, CA

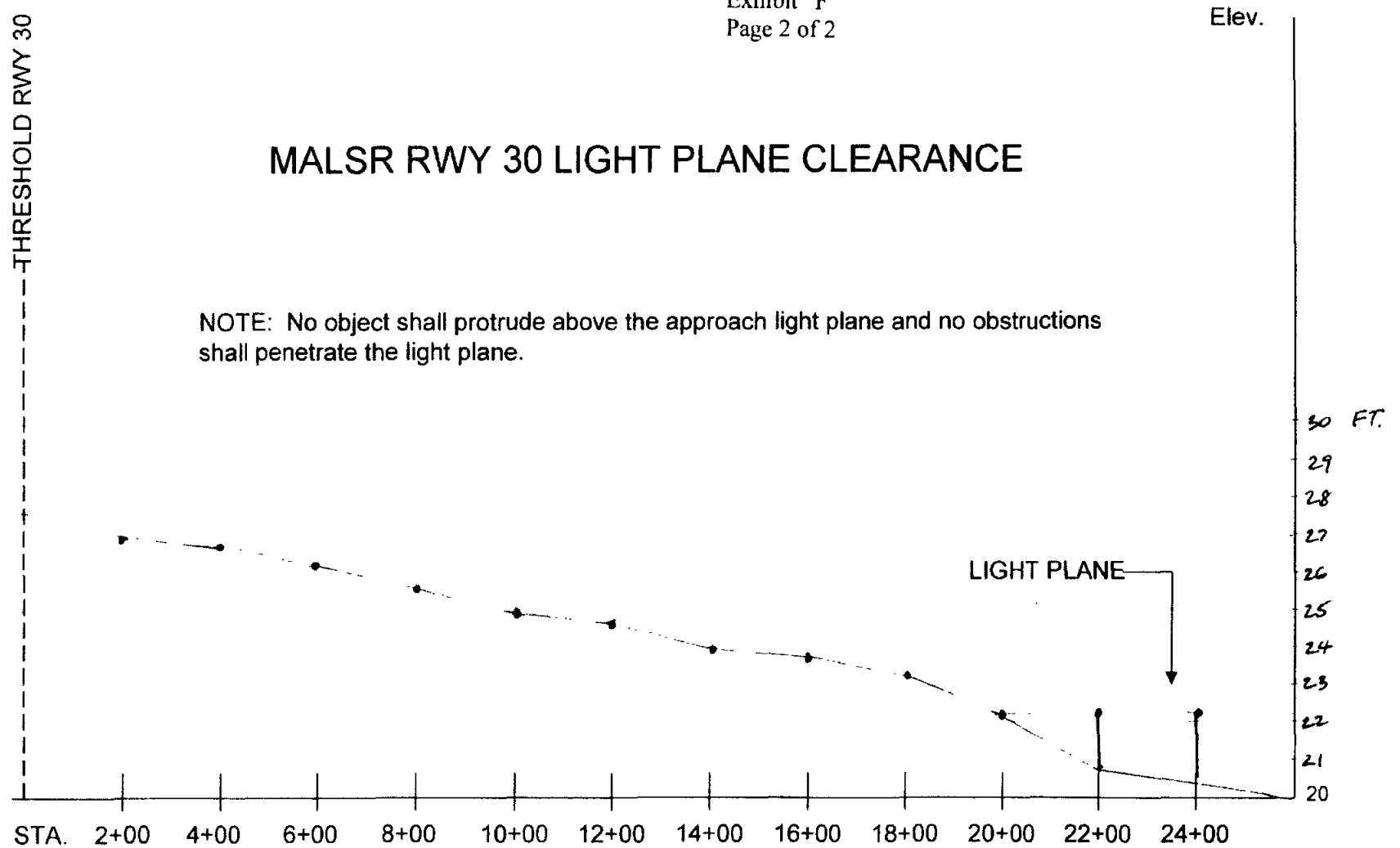
MALSR Plot: A rectangular are located along the extended centerline of runway 30, at Long Beach Airport. The bearing of the runway centerline is S 45° 17' 10" East. The parcel is more precisely described as follows: A rectangular area 400 feet by 2600 feet. The two 400 foot sides are perpendicular to the extended runway centerline, extending 200 feet on each side of the centerline, and are located at the displaced threshold of runway 30 and 2600 feet from the displace threshold runway 30 (station 174 + 58.18 and 200 + 58.18). The two 2600 foot sides are parallel to the extended runway centerline and between station 174+ and 200 + 58.18.

MALSR CONTROL STATION: Beginning at a point on the runway centerline 2000 feet from the southeastern end of existing runway 12-30, said point also known as the displaced threshold of runway 30, thence S 45° 17' 10" East, 1277 feet, along the centerline of said runway; thence S 44° 42' 50" West, 542 feet, to the true point of beginning thence S 45° 17' 10" West, 50 feet; thence S 44° 42' 50" West, 50 feet, to the true point of beginning. All bearings are true.

THRESHOLD RWY 30

MALSR RWY 30 LIGHT PLANE CLEARANCE

NOTE: No object shall protrude above the approach light plane and no obstructions shall penetrate the light plane.



PROFILE

LEGAL DESCRIPTION

**Remote Receiver (RR)
Long Beach Municipal Airport
Long Beach, CA**

From the Southwest corner of Lot 44, Tract 8084, as recorded in Map Book, 171, pages 24-30, of the Long Beach, California, City Records, go N 29° 41' 36" E, 224.2 feet to the point of beginning, thence

N 44° 37' 01" E, 80.00 feet, thence

N 45° 22' 59" W 55.00 feet, thence

S 44° 37' 01" W, 80.00 feet, thence

S 45° 22' 59" E, 55.00 feet to the point of beginning. Containing 0.1 acre, more or less, located in Section 17, T4S, R12 W, S.BB.M.

Bearings were established from the South line on Lot 44, Tract 8084.

LEGAL DESCRIPTION

**Runway Visual Range (RVR) Projector, Runway 30
Long Beach Municipal Airport
Long Beach, CA**

Beginning at a point on runway centerline 2000 feet from the southeastern end of the existing runway 12-30, said point also known as the displaced threshold of runway 30, thence N 45° 17' 10" W (true) along the runway centerline a distance of 1398 feet; thence continuing S 44° 42' 50" W a distance of 235 feet to the true point of beginning of the following described parcel:

S 45° 17' 10" E a distance of 25 feet; thence
S 44° 42' 50" W a distance of 40 feet; thence
N 45° 17' 10" W a distance of 50 feet; thence
N 44° 22' 50" E a distance of 40 feet; thence S 45° 17' 10" E a distance of 25 feet
to the true point of beginning, containing 0.046 acres, more or less.

LEGAL DESCRIPTION

**Remote Transmitter (RT)
Long Beach Municipal Airport
Long Beach, CA**

A plot of ground 150.00 feet by 150.00 feet, containing 0.517 acres, more or less, and being a portion of Lot 68 Tract 8084 as recorded in MP 171, pages 24 to 30, Official Records of Los Angeles County, California and more particularly described as follows:

From the centerline intersection of Spring Street and Lakewood Boulevard, as shown on original map of said Tract No. 8084, said point being the center of Section 21, Township 4 South, Range 12 West, S.B.B. & M., thence N 65° 40' 16" E 1021.05 feet to the point of beginning; thence S 19° 09' 11" W 150.00 feet; thence N 70° 50' 49" W 150.00 feet; thence N 19° 09' 11" E 150.00 feet; thence S 70° 50' 49" E 150.00 feet to the point of beginning. All bearings are true.

Lessor shall not permit the installation or erection of any equipment capable of emitting radio waves of any frequency within 1,000 feet of the center of the RT facility.