

**Memorandum #10-83**

**To:** Doug Russell, City Manager  
**From:** Kevin Kuhl, PE Director of Public Services  
**Subject:** Chan Gurney Airport DOT Agreement for Transfer of Entitlements  
**Date:** May 19, 2010


---

Included in the 2010 budget is a pavement maintenance project for the cross wind (1-19) runway at Chan Gurney Airport. This runway is asphalt and the necessity of the maintenance was identified by a pavement survey conducted last year. The proposed work consists primarily of the removal and replacement of failed pavement adjacent to joints and sealing of all joints and cracks.

To accomplish the work the South Dakota Department of Transportation plans to let a statewide contract specific to this type of asphalt pavement repair at airports. Attached is an "Agreement for Transfer of Entitlements" which will allow the state to administer an estimated project amount of \$114,000 currently in the Yankton federal entitlement account to complete the work. Also attached is "Certificate of Economic Necessity" confirming the city's need to access the funds for this maintenance. Two percent of the project cost which is estimated at \$2280 will be a City general fund expense and has been included in the City 2010 budget.


It is recommended that the City Commission commit to proceeding with the project authorizing the city manager to sign the attached agreements.

Respectfully submitted,

  
Kevin Kuhl PE  
Director of Public Services

**Recommendation: It is recommended that the City Commission authorize the South Dakota Department of Transportation to contact pavement maintenance activities at Chan Gurney Airport and authorize the City Manager to enter into an agreement to access entitlement funds and certify the necessity of using the funds.**

I concur with this recommendation  
 I do not concur with this recommendation

  
\_\_\_\_\_  
Doug Russell  
City Manager

cc: Al Viereck  
David Hosmer



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

### AGREEMENT FOR TRANSFER OF ENTITLEMENTS

In accordance with section 47117(c)(2) of Title 49 U.S.C. (hereinafter called the "Act).

**CITY OF YANKTON**

*(Name of Transferor Sponsor)*

Hereby waives receipt of the following amount of funds apportioned to it for each fiscal year specified under section 47114(c)(1) of the Act.

	<u>Amount</u>	<u>Fiscal Year</u>
\$	<b>114,000.00</b>	<b>2010</b>
\$		
\$		
<b>TOTAL \$</b>	<b>114,000.00</b>	

On the condition that the Federal Aviation Administration makes the waived amount available to:

**SDDOT**

*(Name of Transferee Sponsor)*

for eligible projects under section 47104(a) Act. This waiver shall expire on earlier of \_\_\_\_\_  
(date) or when the availability of apportioned funds would lapse under section 47117(b) of the Act.

**FOR THE UNITED STATES OF  
AMERICA  
FEDERAL AVIATION ADMINISTRATION**

**FOR**

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Typed Name)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature)*

**Doug Russell**  
*(Typed Name)*

**City Manager**  
*(Title)*

\_\_\_\_\_  
*(Date)*

#### CERTIFICATE OF SPONSOR'S ATTORNEY

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:  
That I have examined the foregoing Agreement and find that the Sponsor has been duly authorized to make such transfer and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of \_\_\_\_\_ and the Act.  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**By:** \_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

**Certification of Economic Necessity**

**CITY OF YANKTON**

Sponsor's Name

**YANKTON MUNICIPAL AIRPORT**

Airport

As defined under Title 49 U.S.C., Section 47102 (3) (H), certain routine or periodic pavement maintenance projects are considered eligible for Federal funding for sponsors who are unable to fund maintenance under the grant assurances using their own resources, including the transfer of funds to the airport from other sponsor accounts. The sponsor or State must also have implemented a pavement maintenance management program based on Advisory Circular 150/5380-6.

**I certify that the sponsor of the airport does not have funds available for pavement maintenance and has implemented a pavement maintenance plan. A copy of the airport's current pavement maintenance plan is on file.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Sponsor's Authorized Representative

**Doug Russell, City Manager** Typed Name and Title of Sponsor's Representative