



City of McCall

RESOLUTION 16-13

NOW, THEREFORE, BE IT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McCALL, VALLEY COUNTY, STATE OF IDAHO; MAKING CERTAIN FINDINGS AND PURPOSES; AUTHORIZING THE CITY MANAGER AND NECESSARY STAFF AND AGENTS OF THIS CITY TO EXERCISE THE CITY'S RIGHT OF EMINENT DOMAIN FOR ADDITIONAL REAL PROPERTY FOR USE BY THE CITY'S MUNICIPAL AIRPORT IN ORDER TO PROVIDE ADDITIONAL SPACE FOR A TAXIWAY FOR TRAFFIC SAFETY AND TO MAINTAIN THE CITY'S MUNICIPAL AIRPORT CATEGORY STATUS AS REGULATED BY THE FEDERAL AVIATION ADMINISTRATION; AND AUTHORIZING ANY AND ALL NECESSARY ACTIONS RELATED THERETO AND PROVIDING AN EFFECTIVE DATE.

RESOLVED by the Mayor and the City Council:

Section 1 - Findings:

- 1.1** WHEREAS the City of McCall ("*City*") retained Kevin Bissell, P.E. of the firm of Toothman Orton ("*T-O*") Engineering to provide engineering design advice in the development of the City's master planning for its Municipal Airport; and
- 1.2** WHEREAS in the process of the development of the Municipal Airport Master Plan, it was discovered that the City must relocate the City's Municipal Airport parallel taxiway [known as "*Taxiway Alpha*"] so that its centerline is increased from the current 200' to 400' from the centerline of the runway in order to:
 - Comply with current Federal Aviation Administration's ("*FAA*") standards and recommendations for the geometric layout and engineering design of runways, taxiways, aprons and other facilities at civil airports; and
 - Maintain the Airport's "General Aviation Facility" category as assigned by the FAA as a part of the National Plan of Integrated Airport Systems; and
 - Provide for the safety of larger aircraft which are currently using and are reasonably anticipated to use the Airport.
- 1.3** WHEREAS the City's Airport Manager and officials, together with Kevin Bissell, P.E. and T-O Engineering, have determined, through their mutual investigation, analysis and pursuant to their survey of the subject land, that the real properties herein legally described are the only suitable location for the relocation of the taxiway in consideration of the following relevant factors:

- Taxiway relocation to meet runway separation requirement for the greatest public good and affording the least private property injury; and
- all other locations adjacent to the McCall Municipal Airport which have been found as suitable, to wit:

Parcel 1 – consisting of 3.406 acres:

PARCEL 1

A parcel of land situated in the NE¼ of the SW¼ of Section 21, Township 18 North, Range 3 East, Boise Meridian, City of McCall, Valley County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of Parcel “D” and the Center ¼ corner of said Section 21 as shown on Record of Survey Instrument No. 320944, Records of Valley County, Idaho; thence, along the north line of said SW¼,

A) N.89°57’50”W., 998.13 feet to the **POINT OF BEGINNING**; thence, along a line parallel with and 495.00 feet easterly of the centerline of McCall Airport Runway 16/34,

1) S.01°05’03”E., 1087.86 feet to a line 70 feet south of the easterly prolongation of the centerline of McCall Airport Taxiway A-5; thence, along said line,

2) S.88°59’36”W., 135.44 feet to a line as shown on Record of Survey Instrument No. 202221, Records of Valley County, Idaho; thence, along said line,

3) N.01°10’38”W., 826.77 feet; thence, continuing along said line,

4) N.00°59’19”W., 263.58 feet to the south line of said Parcel “D” and the north line of said SW¼; thence, along said line,

5) S.89°57’50”E., 136.37 feet to the **POINT OF BEGINNING**.

ABOVE-DESCRIBED PARCEL CONTAINING 3.406 Acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way, Easements of Record and all other encumbrances.

Parcel A-1 – consisting of 2.955 acres:

PARCEL A-1

A parcel of land being the westerly 195.00 feet of Parcel "A" as shown on Record of Survey Instrument No. 320944, Records of Valley County, Idaho, situated in the NE¼ of the NW¼ of Section 21, Township 18 North, Range 3 East, Boise Meridian, City of McCall, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North ¼ corner of said Section 21; thence, along the north boundary line of said Parcel "A" and the north line of said NW¼,

- A) N.89°38'55"W., 1073.34 feet to the **POINT OF BEGINNING**; thence along a line parallel with and 495.00 feet easterly of the centerline of McCall Airport Runway 16/34,
 - 1) S.01°05'03" E., 660.06 feet to the southerly line of said Parcel "A"; thence,
 - 2) S.89°38'55"W., 195.02 feet; thence, along a line parallel with and 300.00 feet easterly of the centerline of said runway,
 - 3) N.01°05'03"W., 660.06 feet to the northerly line of said NW¼; thence, along said line,
 - 4) N.89°38'55"E., 195.02 feet to the **POINT OF BEGINNING**.

ABOVE-DESCRIBED PARCEL CONTAINING 2.955 Acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way, Easements of Record and all other encumbrances.

Parcel B-1 – consisting of 3.146 acres:

PARCEL B-1

A parcel of land being the westerly 195.00 feet of Parcel "B" as shown on Record of Survey Instrument No. 320944, Records of Valley County, Idaho, situated in the NE¼ of the NW¼ of Section 21, Township 18 North, Range 3 East, Boise Meridian, City of McCall, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North ¼ corner of said Section 21; thence, along the east line of said NW¼,

- A) S.00°32'07"W., 660.08 feet to the northeast corner of Parcel "B" as shown on said Record of Survey; thence,
- B) S.89°38'55"W., 1054.69 feet to the **POINT OF BEGINNING**; thence, along a line parallel with and 495.00 feet easterly of the centerline of McCall Airport Runway 16/34,

- 1) S.01°05'03"E., 702.76 feet; thence,
- 2) S.89°38'55"W., 195.02 feet; thence, along a line parallel with and 300.00 feet easterly of the centerline of said runway,
- 3) N.01°05'03"W., 702.76 feet to the north line of said Parcel "B", thence, along said line,
- 4) N.89°38'55"E., 195.02 feet to the **POINT OF BEGINNING**.

ABOVE-DESCRIBED PARCEL **CONTAINING 3.146 Acres**, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way, Easements of Record and all other encumbrances.

Parcel D-1 – consisting of 5.795 acres:

PARCEL D-1

A parcel of land being the westerly 195.00 feet of Parcel "D" as shown on Record of Survey Instrument No. 320944, Records of Valley County, Idaho, situated in the NE¼ of the NW¼ of Section 21, Township 18 North, Range 3 East, Boise Meridian, City of McCall, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North ¼ corner of said Section 21; thence, along the east line of said NW¼,

- A) S.00°32'07"W., 1362.87 feet to the northeast corner of Parcel "C" as shown on said Record of Survey; thence,
- B) S.89°38'55"W., 1034.82 feet to the **POINT OF BEGINNING**; thence, along a line parallel with and 495.00 feet easterly of the centerline of McCall Airport Runway 16/34,
 - 1) S.01°05'03"E., 1295.23 feet to the south boundary of Parcel "D" as shown on said Record of Survey; thence, along said south line,
 - 2) S.89°57'50"W., 195.04 feet to a line parallel with and 300.00 feet easterly of the centerline of said runway; thence, along said parallel line,
 - 3) N.01°05'03"W., 1293.91 feet to the north line of said Parcel "D", thence, along said line,
 - 4) N.89°38'55"E., 195.02 feet to the **POINT OF BEGINNING**.

ABOVE-DESCRIBED PARCEL **CONTAINING 5.795 Acres**, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way, Easements of Record and all other encumbrances.

Hereinafter in this Resolution referred to collectively as “*Subject Real Properties.*”

1.4 WHEREAS the City identified the reputed owners of the larger parcels from which the Subject Real Properties are currently a part, as follows:

- Parcel 1:
 - *Diane DeBoer*; and
 - *Judd W. DeBoer* for community property interest, if any.

- Parcel A-1:
 - *Airport Ventures, LLC*, an Idaho limited liability company; and
 - *McCall Aviation Partners, LLC* (joint tenants-in-common) with *McCall Aviation Partners, LLC*, an Idaho limited liability company, 34.97% tenant-in-common; and
 - *McKeown Realty Services LLC*, a California limited liability company.

- Parcel B-1:
 - *McCall Aviation Partners, LLC*, an Idaho limited liability company; and
 - *Airport Ventures, LLC*, an Idaho limited liability company; and
 - *McKeown Realty Services LLC*, a California limited liability company.

- Parcel D-1:
 - *Airport Ventures, LLC*; and
 - *McCall Aviation Partners, LLC* (joint tenants-in-common) with *McCall Aviation Partners LLC*, an Idaho limited liability company, a 37.42% tenant-in-common interest; and
 - *McKeown Realty Services LLC*, a California limited liability company.

Hereinafter in this Resolution referred to collectively as “*Owners.*”

1.5 WHEREAS T-O Engineering, retained on the City’s behalf, G. Joseph Corlett, SRA, MAI, Senior Managing Director, and Paul Dehlin, MAI Senior Appraiser, of the firm of Valbridge Property Advisors, certified appraisers in the state of Idaho, to appraise the Subject Real Properties for the purposes of determining the fair market values of the same for purposes of acquisition in fee simple from the Owners by the City for the stated purpose of McCall Municipal Airport taxiway relocation; and

1.6 WHEREAS G. Joseph Corlett, SRA, MAI Senior Managing Director, and Paul Dehlin, MAI Senior Appraiser, of the firm of Valbridge Property Advisors, conducted an appraisal of the Subject Real Properties; and

- 1.7 WHEREAS T-O Engineering also retained, on the City's behalf in order to comply with FAA grant airport acquisition requirements, Mr. Ed Morse, CRE, MAI, of Morse & Company Appraisers and Valuation Consultants, to review the appraisal by G. Joseph Corlett, SRA, MAI, Senior Managing Director, and Paul Dehlin, MAI Senior Appraiser of the firm of Valbridge Property Advisors of the Subject Real Properties, and who completed his review which was provided to G. Joseph Corlett and Paul Dehlin, who then reviewed and revised their appraisal of the fair market values of the Subject Real Properties for the taxiway relocation; and
- 1.8 WHEREAS the City retained Chuck and Dave Winder of Cushman and Wakefield Real Estate as real estate consultants for the purposes of providing notice and negotiating with the Owners in good faith to purchase the Subject Real Properties after taking into consideration the value of the Subject Real Properties to be taken and any remaining damage to the parcels which would be left after the taking; and
- 1.9 WHEREAS the City, through its agents Chuck and Dave Winder, began negotiations with the Owners for the acquisition of the Subject Real Properties with an "Advice of Rights Form" in compliance with the provisions of Idaho Code Section 7-711A; and
- 1.10 WHEREAS the City, through its agents, have negotiated in good faith with the Owners, but said negotiations have not been successful; and
- 1.11 WHEREAS the City is prepared to construct a new relocated Taxiway for the continued use of its Municipal Airport; and
- 1.12 WHEREAS without the acquisition of the Subject Real Properties, the City will be unable to construct the new taxiway; and
- 1.13 WHEREAS the City has the authority to exercise the right of eminent domain pursuant to Idaho Code Section 21-401 which provides in its relevant parts:

...cities are hereby authorized to acquire by purchase, lease, condemnation, or otherwise, take over and hold lands either wholly or partly within or without the boundaries or corporate limits of such ...cities, or wholly or partly within or without the state of Idaho, for the purpose of constructing and maintaining aviation fields, airports, hangars and other air navigation facilities;....

- 1.14 WHEREAS the powers of eminent domain as provided in Idaho Code Section 7-701 include the following:

USES FOR WHICH AUTHORIZED. Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

2. *Public buildings and grounds for the use of any ...school district; ...roads, streets, alleys, and all other public uses.*

1.15 WHEREAS the Mayor and City Council find that it is necessary to proceed with an eminent domain action against all owners and claimants of the Subject Real Properties.

Section 2 - Authorization:

2.1 That the City’s Airport Manager and Officials are hereby directed and authorized together with the City’s Attorney to file an eminent domain action in and on behalf of the City of McCall as plaintiff against all owners and claimants of the below described real property and to condemn the following for the public uses to relocate and construct the City of McCall’s Municipal Airport parallel taxiway [known as “*Taxiway Alpha*”] so that its centerline is increased from the current 200’ to 400’ from the centerline of the Airport’s runway and to thereafter be used and maintained as a part of the City of McCall’s Municipal Airport, to wit:

- **Parcel 1** – consisting of 3.406 acres:

PARCEL 1

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 - 2) S.89°57'50"W., 195.04 feet to a line parallel with and 300.00 feet easterly of the centerline of said runway; thence, along said parallel line,

- 3) N.01°05'03"W., 1293.91 feet to the north line of said Parcel "D", thence, along said line,
- 4) N.89°38'55"E., 195.02 feet to the **POINT OF BEGINNING**.

ABOVE-DESCRIBED PARCEL CONTAINING 5.795 Acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way, Easements of Record and all other encumbrances.

- 2.2. The City's Airport Manager is authorized and directed to obtain all necessary title company litigation guarantees and legal surveys and any other actions necessary and required by law in order to proceed with the eminent domain action herein authorized against any person or entity who have ownership interest in any of the Subject Real Properties.

Section 3 - Directing the City Clerk:

- 3.1 The City Clerk is hereby directed to:

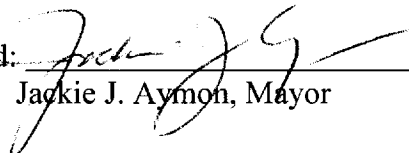
- 3.1.1 Retain this Resolution in the official records of the City; and

- 3.1.2 Provide a copy of this Resolution, to the City Airport Manager, the City Manager, and the City Attorney and to anyone else who requests the same as may be relevant to the prosecution or defense of the eminent domain action herein authorized; and

Section 4 - Date of Effect:

- 4.1 This Resolution shall be in full force and effect after its passage and approval.

PASSED by the City Council of the City of McCall this 12th day of May, 2016.

Signed: 

Jackie J. Aymon, Mayor

ATTEST:

I certify that the above Resolution was duly adopted by the City Council of the City of McCall on the 12th day of May, 2016 by the following vote:

Ayes: 5
Noes: 0
Absent: 0

By: Lisa Kundrick
for BessieJo Wagner, City Clerk