



U. S. Department  
of Transportation

**Federal Aviation  
Administration**

Great Lakes Region  
Illinois, Indiana, Michigan,  
Minnesota, North Dakota  
Ohio, South Dakota  
Wisconsin

2300 E Devon Avenue  
Des Plaines, Illinois 60018

March 29, 2011

Mr. Robert Rieser  
Airport Manager  
Aurora Municipal Airport  
43 W 636 U.S. 30  
Sugar Grove, IL 60554

RE: Land Use Inspection  
Aurora Municipal Airport  
Sugar Grove, Illinois

Dear Mr. Rieser:


On July 22, 2009 the Federal Aviation Administration (FAA) conducted a land-use inspection at Aurora Municipal Airport in Sugar Grove, Illinois. Based on that inspection, three land-use issues were identified by the inspection team that need to be resolved. There are also two additional issues related to land use and compliance with the airport's grant assurances which have been identified since the land use inspection that also need to be resolved in the future.

Enclosed is a copy of the Land Use Compliance Inspection Report providing a brief description of the five land use/compliance issues. The report includes required corrective action and time frame for accomplishing that corrective action. The recommendations resulting from the inspection should be addressed in the future development and management of the airport.

The dates required for the completion of the corrective actions are important and should be considered a compliance obligation. We will monitor the land use corrective actions to ensure they are accomplished on time. The FAA must be notified in advance if any of the dates cannot be met, along with justification for consideration of any extensions. All costs associated with accomplishing the necessary corrective actions shall be the responsibility of the airport owner.

If you have any questions, or should there be any inaccuracies captured in the attached report, please call Rich Pur at (847) 294-7527.

Sincerely,

  
James G. Keefer, Manager  
Chicago Airports District Office

Enclosure

cc: Illinois Division of Aeronautics – Steve Long  
Illinois Division of Aeronautics – Mike Irwin

# POST INSPECTION LAND USE COMPLIANCE REPORT

Aurora Municipal Airport  
Sugar Grove, Illinois

## I. Inspection Site Location

Aurora Municipal Airport (ARR), Sugar Grove, IL

## II. FAA/State Representatives

Richard Pur, Federal Aviation Administration (FAA)  
Carlton Lambiasi, Federal Aviation Administration (FAA)  
Tom Schauer, Federal Aviation Administration (FAA)  
Mike Irwin, State of Illinois Division of Aeronautics (IDA)

## III. Airport Sponsor Representatives

Bob Rieser, Airport Manager  
Kyle Peabody, Crawford, Murphy & Tilly, Inc.

## IV. Date of Inspection:

July 22, 2009

## V. Summary of Inspection

- The FAA and IDA representatives met with the airport representatives in an airport conference room initially and looked over the ALP and an aerial photo.
- In-depth discussions ensued regarding compliance policies and applicable grant assurances to the airport and issues that need to be addressed.
- From these drawings and discussions, we developed a plan of what things to look at on the airport.
- We then drove around the airport to look at the airport's facilities (with an emphasis on the issues discussed in our meeting).

## VI. Airport Information

The Aurora Municipal Airport is a reliever (to O'Hare International Airport – ORD) general aviation airport, with 281 based aircraft and a total of 75,328 annual operations. The airport has three paved runways: 9/27 (6,501' x 100') with a Category I Instrument Landing System (including a MALSR) serving Runway 9, Runway 15/33 (5,503' x 100') with a Category I Instrument Landing System (including a MALSR) serving Runway 33, and Runway 18/36 (3,198' x 75'). The Airport Reference Code is C-III.

## VII. Background:

- A. Land: Land was acquired and/or reimbursed with federal grants starting in 1959 under FAAP, 1981 under ADAP, and 1988 under AIP. Finding No. 5 (below) discusses deficiencies in coordination of a land exchange for the Wheeler Road relocation project (needed for the construction of Runway 15/33) as well as the need for an updated Exhibit A to accurately depict current dedicated airport property.

- B. FAA releases on File: There are three land releases on file of FAA approving the sale of dedicated airport property. The first, dated 12/27/83, authorizes the sale of airport property (2.713 acres) to the State of Illinois for the purpose of improving Illinois State Route 30. The second, dated 9/19/00, also authorizes the sale of airport property (0.239 acres) to the State of Illinois for the same purpose. The third, dated 6/6/08, authorizes the sale of airport property (1.1542 acres) to the Village of Sugar Grove for the construction of Municipal Drive (directly adjacent to the airport). In addition, a concurrent use approval was issued on 8/14/09 to allow the Village of Sugar Grove to install a watermain within airport owned prescribed Right-of-Way.
- C. Federal Commitment and Obligations Pertaining to Use and Disposal of Airport Property: Several grants were issued for land under FAAP, ADAP and AIP.
- D. Airport Layout Plan/Exhibit "A"/other information: The latest ALP on file with the ADO is dated September 1, 1998. The most current Exhibit "A" on file is dated April 8, 1992.
- E. Other Land Uses: None on file.

## VIII. Findings

1. **Athletic Field**. During the FAA Chicago Airports District Office's (CHI-ADO) pre-land inspection preparation, it was discovered that an athletic field had been constructed on airport property in the vicinity of the Runway 15 Protection Zone (RPZ). The property on which the facility was constructed is dedicated airport property, and as such, must be utilized for aeronautical purposes, unless otherwise approved by the FAA. A typical request by an airport sponsor to use dedicated airport property for **non-aeronautical use would take form of a land use release**, a concurrent use, or interim use request. The CHI-ADO has no record of any such request on file. We also have no record of any airspace or environmental action for the construction of the facility. In addition, the lease between the City of Aurora and the Village of Sugar Grove for the establishment and maintenance of the facility stipulates an annual lease rate of \$1.00.

**Corrective Action**: The lack of documentation on the facility's existence and the extremely low lease rate bring several Grant Assurances into the picture in terms of review and corrective action. Discussions must take place regarding the facility's status as it relates to compliance with Grant Assurances 5. Preserving Rights and Powers, 19. Operation and Maintenance, 21. Compatible Land Use, 25. Airport Revenues, and 29. Airport Layout Plan. As discussed in our meeting, this issue will definitely require action to bring the Airport Sponsor into compliance with the applicable Grant Assurances. As there may be different avenues or alternative actions available to the Airport

Sponsor, the Airport Sponsor requested that we lay out these alternatives in detail so that it may coordinate with the Village of Sugar Grove and come to an amicable solution. **Therefore, our first course of action will be to require the Airport Sponsor set up a meeting with the CHI-ADO (and the Illinois Division of Aeronautics) by June 30, 2011.** Discussions at that meeting will center around corrective action in terms of the presence of the non-aeronautical use on dedicated airport property, the current lease agreement, airspace analysis, and environmental considerations. Specific required actions in those arenas will follow the meeting.

**2. Airport Management Access to Hangar Condominiums.** It was FAA's understanding that airport management currently does not have direct access to the hangars. The owner/management of the condominium association/development must first be contacted for access to the hangars by airport management (even though the lease clearly states the "Lessor (Airport Sponsor) may enter the premises leased exclusively to Lessee at any reasonable time for any purpose necessary....."). This potentially conflicts with Grant Assurances 5. Preserving Rights and Powers and 19. Operation and Maintenance as the airport management cannot freely take action on their own airport for the purpose of preserving a safe and secure environment for the aeronautical users. Airport management needs unobstructed access to do inspections for safety, security, and aeronautical use inspections.

**Corrective Action:** The Airport Sponsor shall coordinate with the owner/management of the condominium association/development to establish policy/procedures for the purpose of providing the Airport Sponsor (the owner and operator of the Aurora Municipal Airport) unobstructed access to the development. This would most likely include the Airport Sponsor obtaining copies of the keys for the hangars or a master key. **The Airport Sponsor shall, by September 30, 2011, provide written certification to the CHI-ADO that it has addressed and satisfied the need of gaining free access to the condominium development and the hangars within that development.**

**3. Future Runway 9L/27R.** This future runway was and is still currently depicted on the current approved Airport Layout Plan (ALP), dated September 1, 1998 and the single sheet ALP airspaced under Airspace Case 2005-AGL-0013-NRA, where the future Runway 9L/27R was depicted as 3,200 feet in length. In 2006, the dimensions of future Runway 9L/27R were refined under Airspace Case 2006-AGL-0981-NRA to be 2,785' x 120'. After the FAA determination for this airspace case for the new updated runway length was issued, there was no knowledge at the CHI-ADO as to the status of that runway. Not until the field tour/inspection during this land use inspection did the CHI-ADO realize that Runway 9L/27L had been built/graded. There were edge markers for the turf runway. However, there had not been any safety/phasing plan (SPP) coordinated through FAA for its construction, even though the requirement for a SPP was a

condition of Airspace Case 2006-AGL-0981-NRA, as well as being a requirement for any construction at a Federally obligated airport.

That said, a more critical issue with respect to the existence of that runway now was/is the fact that the runway has not been officially commissioned and coordinated with FAA for publication. And a pilot could easily see the edge markers on the turf strip and make the assumption that it is an operational landing area. Such an aeronautical activity, co-mingled with normal aircraft operations at ARR, could create a safety issue. At the time of the airfield tour, it was mentioned by the CHI-ADO that the markers should be removed or X's be placed on the turf strip. Proper coordination and documentation of this landing area would be required (when ultimately commissioned), as well as ensuring that the rest of the airfield be updated to take into account the future Runway 9L/27R. Part of this would entail the updating of the guidance signs and redesignation of existing Runway 9/27 to be 9R/27L. All these actions would, at a minimum, keep the Airport Sponsor in compliance with Grant Assurance 19. Operation and Maintenance.

**Corrective Action:** The CHI-ADO has seen no documentation or publication depicting Runway 9L/27R as an exiting runway. **The Airport Sponsor shall submit verification/certification to the CHI-ADO (with a courtesy copy to the Illinois Division of Aeronautics) by April 29, 2011 indicating that Runway 9L/27R is not active and there are no edge markers or delineation that could cause pilots to assume the area as an active landing area.** Corrective action in the field to satisfy this requirement could also include placing surface X's on the proposed landing area. If the area is mowed and can be perceived as a landing area (regardless of the presence of markers), a NOTAM issued by the airport may be prudent.

**4. Runway 15/33 Safety Area.** While not discussed at the land use inspection, it has since been discovered there is a lack of documentation as it relates to the Runway 15/33 Safety Area. This is pertinent in that any project receiving Federal funds must be carried out in accordance all applicable FAA Advisory Circulars (Grant Assurance 34. Policies, Standards, and Specifications). In this case, Runway 15/33 was constructed as a brand new runway (funded with Federal funds through the Illinois State Block Grant Program) and was required to meet all current design standards. And any runway projects funded with Federal funds must have a Runway Safety Area (RSA) Determination approved by the FAA.

**Corrective Action: The Airport Sponsor shall provide verification or certification to the CHI-ADO by June 30, 2011 as to the compliance of the Runway 15/33 Safety Area with FAA Airport Design Standards.** If the standard was not met with the project, the Airport Sponsor shall indicate how the standard can be met and a timeframe in which the standard can be met.

**5. Runway 15/33 (Wheeler Road Land Exchange/Release).** Again, while not discussed at the time of the land use inspection, it has since been discovered that a land exchange that was performed (between the City of Aurora and the Village of Sugar Grove) and required for the completion of the Runway 15/33 construction project and was not coordinated with the CHI-ADO. Any sale of dedicated airport property (even if an equal amount of property is received in exchange) requires the release of Federal obligations to operate and maintain the property for aeronautical use.

**Corrective Action:** The Airport Sponsor shall submit a formal request for a release from Federal obligations for the sale of airport property required for the Runway 15/33 construction project. **The proposal shall be coordinated through the State of Illinois and submitted to the CHI-ADO by June 30, 2011. In addition, an updated Exhibit A that reflects current dedicated airport property shall be submitted to the CHI-ADO by December 30, 2011.**

Submitted by:



Richard Pur, Program Manager,  
Chicago Airports District Office



# Aurora Municipal Airport

FAA Land Use Inspection - 6/22/2009

FAA 3/29/2011 Corrective Action Request Tracking



Item	Description	Required Action(s)	Response Date	Date Completed	Comments
1	Athletic Fields	Preliminary Meeting Documentation GA 5, 19, 21, 25 and 29 ALP Lease Revision	June 30, 2011	MEETING HELD 7/11/11	FAA
2	Airport Management Access To Sky Haven	Certify that airport has free access	September 30, 2011	SEPT. 19, 2011	ATTACHED
3	Future R/W 9R/27L	Submit Certifications/Verification to FAA Documentation - Prior 7480 to IDA and FAA Remove edge markers	April 29, 2011	DENY	
4	R/W 15/33 Runway Safety Area	Proved verification/certification to FAA RSA Determination	June 30, 2011	SUBMITTED TO FAA	
5	R/W 15/33 Land Use Release (Wheeler Rd)	Formal Land Use Release Request to FAA	December 30, 2011	April 1, 2011	Draft sent by IDA to FAA

## Brian Welker

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**From:** Bob Rieser <bob@auroraus.com>  
**Sent:** Monday, September 19, 2011 4:53 PM  
**To:** Keefer, Jim  
**Cc:** Irwin, Michael P; Pur, Richard; Brian Welker  
**Subject:** Land Use Compliance --- Access tp Hangar Condominiums  
**Attachments:** SH Response to Access0001.pdf; FAA Approval Letter0001.pdf

Jim,

While we have some issues still in discussion, I am to report to you on the status of the "Access to Hangar Condominiums" item #2 per your letter dated March 29, 2011 by September 30, 2011.

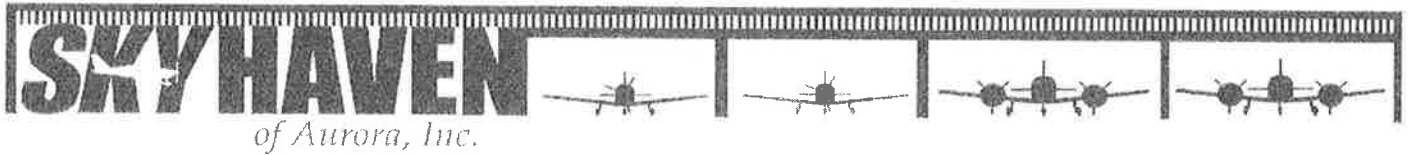
Please consider the following:

- 1) I approached the leadership of the Hangars with your demand.
- 2) They responded to my request with the attached documents
  - a) Their letter of response dated May 16, 2011
  - b) Copy of a letter from the FAA-ADO to IDA dated September 7, 1983

As the Lease was reviewed and approved by the ADO and IDA on month PRIOR to the City of Aurora approving the agreement on October 3, 1983, I find it difficult to insist on a change to the agreement as it addressed the access issue in Section 10 of the Lease. To continue this matter will likely result in a prolonged legal condemnation of the lease. This could be time consuming and expensive.

Bob Rieser





43W282 US Highway 30  
Sugar Grove, IL 60554-7800

Phone: 630-466-5282  
management@skyhavenofaurora.com

16 May 2011

Mr. Robert Rieser  
Airport Manager  
Aurora Municipal Airport  
43 W 636 US Highway 30  
Sugar Grove, IL 60554

RE: FAA 29 March 2011 Letter, Land Use Inspection - Aurora Municipal Airport  
2. Airport Management Access to Hangar Condominiums.

Dear Bob,

Thanks for providing Sky Haven with a copy of the letter with the FAA's contention that airport management does not have direct access to hangars within the Sky Haven complex. The FAA claims that this "potentially conflicts" with Grant Assurances 5 (Preserving Rights and Powers) and 19 (Operation and Maintenance). The paragraph ends with a statement that the airport needs such access for safety, security and aeronautical use inspections.

The tenants of Sky Haven have always provided the airport (City of Aurora, the Airport Sponsor) with reasonable access to the interior of each hangar and unlimited access to the premises as provided for by both the Master Lease and each tenant's sublease and that the FAA long-ago agreed with the rights and obligations detailed in these documents. Thus, the pertinent assurances listed in sub-paragraph (a) of Section 5 Preserving the Rights and Powers have been met.

Furthermore, the same lease documents contractually obligate Sky Haven (the corporation) and its members (tenants) to operate and maintain its complex (a portion of the airport) to standards that may be higher than other parts of the airport. The performance of Sky Haven not only meets these contractual obligations but certainly supports the intent of the assurances made by the Sponsor with respect to Section 19 Operation and Maintenance.

Sky Haven has been in existence since 1983 and has grown to be comprised of 194 hangars leased by 160 airport users. Its safety record has been outstanding and has made no accident or injury claims against its insurer. Sky Haven, at its own cost, installed a portion of the as yet unfinished airport security fence and security gates to prevent unauthorized access to airport property within its scope and also provides dusk to dawn security lighting for each individually locked hangar. There are no obstructions to interior "inspections" by the Sponsor with the exception that they are to be made at a reasonable time. There are contractual requirements that respect the right to privacy of tenants and their protection from "unreasonable" search.

For clarity, the relevant portions of the leases are as follows:

Master Lease between the Lessor (Sponsor) and Sky Haven (the corporation) –

4. Purposes:

*B. Hangars shall be used for the storage of aircraft and such equipment and apparatus that may be incidental and/or necessary to the operation thereof; but, portions of the hangars may also be used for the storage and/or repair of a land or water vehicle or craft owned by the hangar occupant, non-commercial storage of business equipment or records and also as a private office.*

10. *Inspection by Lessor:*

*Lessor may enter upon the premises leased exclusively to Lessee at any reasonable time for any purpose necessary, incidental to, or connected with the performance of its obligations hereunder, or in the exercise of its governmental functions, for fire protection or security purposes, or for inspecting or maintaining the premises, or doing any and all things Lessor is obligated to do, or which may be deemed necessary or desirable for the proper conduct or operation of the airport.*

Sublease between Sky Haven and each sub-tenant (also Sky Haven corporate member) –

ARTICLE VIII - USE AND OCCUPANCY OF AIRCRAFT HANGAR

*SUBTENANT shall not, without the written consent of SUBLESSOR, occupy or use the hangar unit or permit the same or any part thereof to be occupied or used for any other purpose than as a private aircraft hangar; provided, however, SUBTENANT may also use the hangar for such purposes as are permitted pursuant to the terms of Paragraph 4 of the lease between Sky Haven of Aurora, Inc. and the City of Aurora.*

ARTICLE XIV - ACCESS TO PREMISES

*SUBLESSOR, the Aurora Municipal Airport and the City of Aurora, by their agents, authorized personnel or officers and directors, shall be permitted to visit, examine or enter the hangar of SUBTENANT at any reasonable hour upon notice to SUBTENANT, or at any time without notice in the case of an emergency, to make or facilitate repairs to any part of the hangar. In the event SUBTENANT shall not be personally present to open and permit entry when such entry shall be necessary or permissible hereunder, the SUBLESSOR or SUBLESSOR's agents may forcibly enter the hangar without liability for damages by reason thereof, provided that reasonable care is exercised at the time of such entry by such SUBLESSOR or its agents with respect to SUBTENANT's property. The rights and authority hereby reserved does not impose, nor does SUBLESSOR assume by reason thereof, any responsibility or liability for the care or supervision of the aircraft hangar or the aircraft located therein, or the equipment or any appliances or other items of personal property therein contained.*

As these documents detail, interior access is available within reasonable constraints one would expect if the storage of records and private offices are allowed. No tenant can obstruct the entry for "inspection" to ensure that the purpose and use of the sub-let space meets the contractual requirements. These same tenants understand and have already agreed to forced entry (locksmith or other) in case of an emergency or required maintenance. But, even for maintenance, it has been through the agreements and corporate policy that such tenants receive ample notice (48 hours or more) so that they or their agent may be present should entry be needed (except in the case of a dire emergency).

Finally, there is no need for "corrective action" as suggested by the FAA because contractual obligations, policies and practical procedures already exist that give the Sponsor access to the interior. After all, as required in its lease, Sky Haven supplies the Sponsor with updated list of each tenant and their particulars such as names, addresses, phone numbers, email addresses and aircraft data so that such notices can be made.

Sincerely,



Doug Koster, President  
Sky Haven Board of Directors



US Department  
of Transportation  
**Federal Aviation  
Administration**

Chief, Safety Branch  
Chicago Office, Chicago, Illinois  
Memphis District Office  
Chicago North Branch Office  
22-10500

2200 Capital Center Avenue  
Des Plaines, Illinois 60018

SEP 7 1983

Mr. Roger H. Barcus, Chief Engineer  
Illinois Department of Transportation  
Division of Aeronautics  
Capital Airport  
Springfield, IL 62706

Dear Mr. Barcus:


Aurora Municipal Airport  
Sky Haven of Aurora, Inc.  
Lease Agreement and Airspace Review

We have received and reviewed the Airport Manager's August 17, 1983 direct submission of the subject Lease with Sky Haven of Aurora, Inc.

Our review of this agreement finds it non-objectionable.

The airport's Consulting Engineer has furnished this office directly a Terminal Area Sheet which we had contemplated using for the 7460-1 construction/airspace review but upon examining the plan more closely, we find the current Sky Haven north/south hangar scheme is not adequately depicted including access/connecting taxiways. We note the 7460-1 review currently being processed only covers the construction of six hangars with no taxiway construction included. The earliest possible resubmittal of the revised Terminal Area Sheet is requested for a complete airspace review.

Sincerely,



Owen Leander  
Airports Engineer  
Chicago Airports District Office

cc: Mr. Robert Rieser, Arpt Mgn  
Mr. Stephen Moulton, CM&T



Edward Watten, First American Airport