



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

Southern Region Airports Division
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August 18, 2022

J. Todd Scher
Director/Airport Manager
Vero Beach Regional Airport
3400 Cherokee Drive
Vero Beach, FL 32960
Via Email

**Notice of Pending Noncompliance & Request for Corrective Action Plan
Nonaeronautical Use of Airport Property**

Dear Mr. Scher:

This letter is written in response to the letter that the City of Vero Beach (City) provided to this office on August 11, 2021 in response to our July 14, 2021 Letter of Inquiry, concerning the existence of a mobile home park (Citrus Park Village, or CPV) located on Federal Surplus Property.¹ As explained in our previous correspondence, CPV is considered a long-term residential use of federally obligated property that does not directly support aeronautical operations, which is inconsistent with Airport Improvement Program (AIP) Grant Assurance 21, *Compatible Land Use*. In addition, as also explained in previous correspondence, the land use may also have potentially resulted in noncompliance with several other grant AIP grant assurances, including, but not limited to, Grant Assurance 5, *Preserving Rights and Powers*, Grant Assurance 24, *Fee and Rental Structure*, Grant Assurance 25, *Airport Revenue*, Grant Assurance 29, *Airport Layout Plan (ALP)*, and Grant Assurance 30, *Civil Rights*.

The City's August 11, 2021 letter explained that the residential use of airport property is ongoing since circa 1942, prior to the U. S. Federal Government's conveyance of the property to the City in 1947. The City has also indicated that, although reappraisal of Fair Market Value monetary consideration for the land use has not occurred in quite some time (as required by the FAA's Revenue Use Policy), the residential land use does generate significant nonaeronautical income that provides the airport with much needed operational revenue. Finally, the letter requested that the City be allowed to continue the land use, since it has not caused any complaints or concern since the land use began under the auspices of the United States Navy. However, we are unable to approve that request, in light of AIP Grant Assurance 21 requirements and policies, and we request that the City provide a Corrective Action Plan (CAP) to this office, for review and approval, in order to remove the incompatible land use as soon as practicable.

¹ The Surplus Property Act of 1944 (ch. 479, 58 Stat. 765, 50A U.S.C. § 1611 et seq., enacted October 3, 1944) is an act of the United States Congress that was enacted to provide for the disposal of surplus government property to "a State, political subdivision of a State, or tax-supported organization".

Please provide the City's **voluntary** CAP by October 28, 2022. Note that the City's CAP should provide a complete description of the proposal, provide progress milestones, and provide specific target completion dates for each proposed effort to remove the incompatible land use within a reasonable amount of time. If the City proposes to remove the land use within a timeframe longer than 12 months, please explain why additional time is needed or desired in the CAP approval request letter. Also, note that if the City proposes to replace the land use with another nonaeronautical land use (e.g. hotel, parking structure, gas station, recreational park, office/retail space, etc.), we may need to conduct an airspace obstruction evaluation/analysis and undertake an approval authority review for the project itself as well as the ALP update, as required by Section 163 of the FAA Reauthorization Act of 2018.

Thank you for your time attention to this matter. If I can be of any assistance or answer any questions that you might have as you prepare your voluntary CAP for FAA review, please do not hesitate to contact me at Keturah.Pristell@faa.gov.

Sincerely,



Keturah Pristell
Airport Compliance Specialist
FAA Office of Airports, Southern Region, Safety and Standards Branch

cc:

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