

Brady Landing Airpark – A Southern Aviation Community

Handbook for the Brady Landing Airpark (BLA)



Published by the
Brady Landing Airpark Property Owners Association (BLA POA)

Originally published 18 February 2010
Revised 24 January 2014

Distribution Unlimited
Public Release Approved by BLA Board of Directors

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OVERVIEW

Brady Landing Airpark (BLA) is dedicated to the enjoyment of General Aviation (GA). As residents¹ we acknowledge that aircraft operations have a priority and that aircraft have the right of way on our taxiways/streets at all times. Safe, secure, through-the-fence operations at the Currituck County Regional Airport is our primary focus.

I. GATE OPERATIONS

A) Whenever opening or closing the gate, aircraft should hold their position at a safe distance after passing through the gate and wait until the gate closes completely. This ensures that unauthorized vehicles or pedestrians cannot pass through the gate. Pilots should comply with all signage and warnings.

B) Only property owners and their guests are permitted to operate aircraft on the Airpark. Each property owner is responsible for opening and closing the gate for any guest arriving to or departing from the Airpark. Property owners are responsible for the behavior and safety of all guests while they are on Airpark property and for their compliance with this Handbook and with the provisions of the Currituck County Regional Airport Operating Guide.

C) Airport employees will not open the gate unless they are performing maintenance or in the event of an emergency. Forgetting your remote is not an "emergency" for them. Preflight carefully and ensure you have your remote onboard your aircraft. If you are expecting guests, have a responsible party available to operate the gate from the Airpark side when they arrive and depart.

D) Use the FAR and AIM as well as the Currituck County Regional Airport Operating Guide and this Airpark Handbook as your guide for safe operations.

II. PILOT RESPONSIBILITIES

A) Each Airpark property owner who uses the Currituck County Regional Airport is responsible for paying the user fee as established by Currituck County (see Appendix B).

B) Remote gate openers are provided and controlled by the county's Airport Manager. To control access to the Airport, remotes are never to be loaned to non-owners. This is a security issue. And report a lost gate opener to the Airport Manager immediately.

III. NEIGHBORHOOD MAINTENANCE

All property owners are required to pay annual Association dues each January. Failure to pay dues will result in collection procedures instituted by the BLA POA Board of Directors. All additional fees and expenses associated with such collection proceedings will be added to the original association dues owed to the BLA POA by the delinquent property owners.

IV. NEIGHBOR RELATIONS

A) Respect the integrity of the taxiways so as not to impede aircraft operations. Park motor vehicles and aircraft at least 30 feet (approximately two full car lengths) from the edge of roadways/taxiways at all times. If you expect a large number of guests, please park their vehicles on the community's common areas or make arrangements with neighbors for temporary parking of aircraft and/or motor vehicles in their driveways.

B) Tell guests about these rules, especially those who will arrive by car, and stress not trying to drive around any aircraft they meet on our taxiways. Instead pull into a driveway early and let the aircraft pass. Also remind them to keep tight control of children and pets. These are safety issues!

¹ Resident – A person living in the airpark, either as a property owner or a house renter. A house renter may be granted by the property owner the privilege of using the airpark facilities, including the storage of an aircraft, access through the gate, etc. Property owners are responsible for the behavior and conduct of their renters in the Airpark.

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1. **Summary:**

What Are We Trying To Do? Our goal is to have a safe, aviation oriented, friendly community where we can enjoy our properties and fly, without conflict with each other and with minimum interference from governments. How do other residential airparks make that happen?

- a. Maintain a Robust Property Owners Association - The function of the POA is to protect the interests of the property owners and it is required by North Carolina and Currituck County. Established and registered in 2007 the association permits us to speak with a united, professional voice to governments, the public and the media. And it will help us continue to be an asset to Currituck County and a safe, supportive neighbor to the adjacent Currituck County Regional Airport.



- b. Establish common expectations for all property owners - This Handbook captures how we will *operate* in the Brady Landing Airpark to meet the goals of the property owners. It also describes *why* the airpark is set up the way it is, what we want each other to do (and not do) as aviation neighbors, and how we can operate a safe and friendly aviation community. The Handbook contains simple, common-sense operating procedures that line up with our covenants and expectations, governing how we will behave as neighbors and aviators. This document will be revised as needed by the BLA POA Directors to reflect changes in airport operating procedures, changes in our community and other issues they deem appropriate. A courtesy copy of each updated version will be provided to the Currituck County government and Airport.
- c. Maintain and improve the properties so as to enhance their value.

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2. **Applicable Documents** – The following documents could apply to your property (check County and State records repositories for current versions):
 - a. Covenants
 - b. Easements
 - c. Currituck County Airport Rules and Regulations
 - d. Bylaws of the Brady Landing Airpark Property Owners Association (BLA POA)
 - e. North Carolina statutes and regulations dealing with Planned Communities

This Handbook does not substitute for legal opinion or counsel. Consult your attorney on issues regarding property covenants, restrictions, easements, deeds, etc. The above list includes documents known to the officers and directors of the BLA POA at the time of publication. There may be others. Property owners and prospective buyers should secure a copy of each document that applies to their property from the Currituck County Clerk.

3. How We Got Here

- a. **The Early Years:** Your property sits on a piece of US history! Documents show that the Currituck County Airport was originally built in 1942 as a 4000 foot airstrip for emergency landings by US Army Air Corps and Navy bombers and attack aircraft. These aircraft, loaded with bombs and torpedoes, flew anti-submarine patrols from airbases at Langley, Edenton, Camp Lejeune and elsewhere along the Mid-Atlantic Coast during the “U-Boat War” in 1941-43. Over 400 Allied ships were sunk by Nazi submarines operating off the East Coast (often within sight of Currituck and Virginia Beach!). After the war the runway here served as a civilian airfield for awhile, then fell into disrepair, was used as a drag strip for a time and then was converted back to an operating airport.
- b. **Modern History:** The State of NC leased the airport to Currituck County and then the County purchased the airport in 2005. The County has an Airport Master Plan that is tied to the overall County planning process and the Airpark is a prominent feature in that plan. Tom Brady and his family bought this land in the 1990s and, in cooperation with the Currituck County government, established Brady Landing Airpark.



Figure 1 – The Outer Banks of North Carolina Were Voted the Finest Beaches in the US in 2007

4. The Airpark Now

The BLA is in a very desirable location on the East Coast; halfway between New England and Florida, a few miles from the gorgeous Outer Banks and historic Norfolk, and outside congested/controlled airspace. The runway is now 5500 feet long with instrument approaches, GPS approaches, a terminal building and parallel taxiways. Living here is a dream come true for many of our residents whose goals are to enjoy flying, not bother anybody, and not be bothered *by* anybody. History shows that the best way to make that happen is to set very basic boundaries and limitations and then trust people to use their common sense for everything not put in writing.

- a. Approved Uses: The airpark exists for the exclusive benefit of its residents and guests. As a property owner, you are permitted to hangar and operate from the airpark any aircraft of which you have part or full ownership, unless it is part of a commercial operation that could compete with an airport operation (present or future). Our Covenants clearly prohibit commercial operations that could compete with commercial operations at the airport. Occasional aircraft use incidental to a non-aviation business is not a commercial operation. And a resident may, of course, have work done on his aircraft by a commercial entity, but he may not operate such a commercial operation himself from the Airpark. For example, having an A&P come to your hangar to annual your aircraft, or having an avionics specialist work on your aircraft in your hangar would be permissible. But operating any FBO-like business *from* the airpark is prohibited; an aircraft maintenance business or the operation of a flight-training aircraft from the airpark would also violate the covenants and is prohibited.

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- b. Easement to the Runway: As a property owner in BLA, your property was granted an easement to the Currituck County Airport and its runway (see document referenced in Section 2d above). Your responsibility as a property owner (pilot or not, and aircraft owner or not) is to maintain a safe aircraft operating environment here in the Airpark, on the taxiway out to the runway and on the runway itself. The Currituck County Airport Handbook (document 2.e, above) requires pilots operating to or from the Airpark to follow special operating procedures (Appendix A) and the agreement is that as long as the Airpark follows these procedures and is a safe operating environment, the County will honor the easement which allows us access to the runway. The checklist items in Appendix A describe those procedures, which are simple and easy to comply with. But failure to follow them is serious and could put the easement at risk, which would jeopardize the entire airpark's ability to operate through-the-fence.² One careless act might be enough for the County or the FAA to impose more stringent safety restrictions for Airpark operations. Each property owner is responsible for the behavior of their guests while they are on the Airpark; email them a copy of the Handbook's Appendix A "Safety and Security Procedures" pages before they visit. This OCR pdf file makes it easy to cut and paste.
- c. Roads/Taxiways: All taxiways in the Airpark are also roadways and shared by aircraft and motor vehicles. *Do not permit guests to park aircraft, cars, trucks or any other vehicles within 30 feet of the edge of any road/taxiway edge since this could block or damage a taxiing aircraft.* If you lack parking space on your property for your guest's aircraft or motor vehicles, park them well off the roads/taxiways on the Airpark's common property, ask a neighbor(s) for permission to park on their property or have your guests park at the commercial airport and drive them to your house.

5. Responsibilities

- a. Taxiways and Easements: The BLA POA is responsible for the repair and maintenance of signs, taxiways, ditches and common areas in the neighborhood. Roads and easements must be kept clear, clean and safe for aircraft operations and they must be maintained to aircraft standards. This means keeping taxiway surfaces level and smooth enough for a nose-wheel aircraft to taxi without risk of a propeller strike against the ground. And because the BLA POA does not generate the funding necessary to contract with street cleaning or repair services, we rely on each other for this service. Individual property owners keep the taxiways adjacent to their properties (and any taxiway easements on their properties) maintained including regular mowing of ditches, the removal of bushes, trees and grass encroaching on asphalt taxiways (using Round-Up solution) and prompt reporting of asphalt problems to the Association.
Turf taxiways must be kept level, smooth and mowed by the property owner(s).
Asphalt taxiways must be kept clear of dirt, stones and debris. This is especially

² Since at least 1998 the FAA has been unsupportive of through-the-fence residential airparks (TTF RA) at public-use airports and has periodically threatened to withhold Federal Airport Improvement Program funds to airports that permit them. But the NC State Aviation Department and the Currituck County government remain supporters of the Brady Landing Airpark. The County government repeatedly stated in 2008 and 2009 that a thriving, vibrant Brady Landing Airpark, with its higher property values, tax base and key location, is an integral part of the County's plans.

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important when lots are being improved and construction vehicles leave mud, dirt clods and gravel on our roads. Property owners are responsible for keeping such debris, which can easily damage an expensive propeller, off the taxiways adjacent to their properties. Property owners must stress to their contractors that all debris must be regularly swept/shoveled off the roads.

Periodic maintenance and upgrades to common areas will be required and will be paid from POA dues and special assessments of all property owners, as determined by the Board of Directors and in accordance with association bylaws, operating procedures and applicable government laws and regulations (federal, county and state).

- b. The Gate: The gate is part of the Currituck County Regional Airport's overall security system and, as such, its operating procedures are of special interest to the US FAA and the Department of Homeland Security (DHS).



Figure 2 – The DHS-Approved Gate at Brady Landing Airpark

- c. One of the FAA's major objections to through-the-fence residential airparks (TTF RAs) near public airports has been a perceived risk to security, specifically airport access. The Punta Gorda Airport in Florida had its airport-access gate padlocked by DHS in 2009 because one pilot failed to follow security procedures. BLA property owners and their guests must comply ***fully*** with the Security Procedures in Appendix A regarding airport access. The gate is remotely operated with small, handheld RF remote controllers issued to BLA property owners by the Currituck Regional County Airport Manager, who also retains one remote controller at the airport administration building.
 - i. The gate closes automatically after a delay of 30-120 seconds so press the controller, watch for the flashing yellow light WARNING of impending gate movement, wait until the gate opens fully, taxi through the gate until clear (but stop short of the yellow hold-short marking) and ***wait there for the gate to close COMPLETELY***. Many pilots also perform their run-up there, just beyond the gate, while they wait for it to close. Once the gate closes and when ready to depart, check for traffic and announce your intentions on the CTAF (currently 122.9 MHz) as you would at any non-

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towered airport. The difference at Brady landing Airpark is that this radio call is not optional, it is **mandatory** as per the agreement between the Airpark and Currituck County Regional Airport.

- ii. Guests - Property owners must escort their arriving and departing visitors through the gate, in either direction, by using their own remote controller. (You may **not** loan your controller to another pilot since doing so circumvents the County's airport access control process.) Once the gate is open, the property owner must remain at the gate until it closes, to be certain that unauthorized people or vehicles do not "tailgate" through the gate. Should an unauthorized person attempt to enter the airport while you have the gate open, notify the Airport staff on 122.9 or phone them at 252-453-2876. If no answer call 911 and report the event to law enforcement. For security reasons, the Airport Manager and his staff will **not** open the gate for unknown aviators who wish to enter or exit the airpark, with one exception: If a property owner knows he cannot be present when a guest will be departing the Airpark, he can provide the name, aircraft type and tail number (if available) to the Airport Manager or staff in advance and politely ask that they open the gate when requested to do so by the departing guest on the CTAF of 122.9 MHz. The Airport Management is not required to do this but may do so as a courtesy.
If a guest pilot lands at the airport and there is no BLA property owner to meet him and escort him through the gate, that pilot must taxi to the commercial ramp at the airport and call the property owner for assistance.



Figure 3 – Modern and Classic Airplanes Share the Ramp Here

- d. Minimizing Noise
 - i. Pattern Noise: Minimize noise by avoiding low, slow, high-power approaches over residential areas. And follow all airport guidance regarding noise abatement procedures.
 - ii. Run-up Noise: Use common sense in choosing when and where to run-up an aircraft engine. As you depart the airpark, the best place is on the taxiway, beyond the gate, on airport property. **Safety Issue**: If you must

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run-up elsewhere, be mindful of your prop blast and its effects on your neighbors' property and of the propeller's danger to pedestrians and neighborhood pets.

- iii. Noise Complaints: Another of the FAA's major objections to residential neighborhoods being near public airports is noise complaints associated with airfield patterns. They I have extended this concern to include residential airparks, since over time these communities sometimes get controlled by non-fliers, who then begin to complain about noise from the airport next door! An overhead noise easement should have been granted by property deeds for each property in BLA when first platted but this was not done. It should have read something like "All purchasers of property within BLA acknowledge that this is a fly-in community and waive any and all objections to aviation activities. A fly-over easement exists over all lots within BLA for the operation of aircraft and includes an easement for aircraft sounds caused by any aircraft using Currituck County Airport (military jet noise is specifically exempted from this easement). These restrictions and covenants run with the land and shall bind the Buyers, their heirs, executors, administrators, personal representatives and assigns." Similar language appears in the deeds of other airparks. A noise warning even appears in VA and FHA loan settlement documents here in BLA.



Figure 4 - Slipping To Runway 5. Airpark is on Left, Nestled in Trees

6. **This is *Your* Association**

The BLA POA represents you and exists to protect your interests and those of your neighbors. Remember that casual, offhand comments to the media or a government entity regarding aviation, airparks, etc. can have major repercussions. If you think people won't make a mistake, you have never watched everyday people get interviewed by the press! Property owners are strongly encouraged to defer Airpark-related questions from the media to the BLA POA Board. No individual property owner or group of owners can speak for the Association. Only a Director can speak for the Association and they will do so only after proper consultation with the other Directors.

- a. BLA POA Operating Procedures Overview: All property owner associations in NC must establish reasonable, fair procedures and then follow them. The BLA POA is a legal entity and it has NC State-mandated obligations (meetings, officers, handling of money, etc.) and liabilities. That means everything the POA does must pass three simple tests:
 - i. Was proper *procedure* followed? This includes NC laws and regulations, NC State Aviation rules and regulations, Currituck County ordinances, POA Bylaws, Handbook Operating Procedures, etc. If not, individuals serving as Directors could be held individually liable should someone be injured or in some other way harmed.
 - ii. Does the action support our *goals* as an Association?
 - iii. Is it something a *reasonable* person/organization would do?
- b. Liability Insurance on All Aircraft - Every operator of an aircraft based on BLA should have a general liability policy on themselves and a liability policy on the aircraft. This insurance helps relieve the Association from liability in case a lawsuit arises from an accident or event on a taxiway/street or in some other common area for which the property owner, pilot and/or Association could be held responsible.
- c. Legal Assistance and Liability Insurance: Associations put in place liability protection for common property, in accordance with the level of risk each homeowner is personally willing to share. Associations also buy liability policies (so called "errors and omissions" policies) to protect their Board of Directors and Officers in the unlikely event of legal action against the Association itself. The BLA POA will maintain insurance for its common areas and Board.
- d. POA Dues: As the owner of a lot in BLA's first phase, as defined by the official plats at the County Courthouse, you are automatically a member of the BLA POA, with all the associated privileges and responsibilities. You will be able to attend Association meetings, vote on key issues, run for office, join committees, etc. You also are responsible for paying your annual dues at the rate set by the Board of Directors. Mail your check to the address on the invoice you receive or bring it to the Association's annual meeting each winter.
- e. Failure to Comply: If any property owner, his assigns or guests violates or attempts to violate any of the provisions in this Handbook, the BLA POA has the right to institute proceedings at law and to recover all damages and expenses.

Appendix A – Safety and Security Procedures

The following procedures are mandatory for property owners, residents and guests operating on Brady Landing Airpark (BLA) adjacent to KONX:

- 1) **Gate:** Always wait for it to close completely before taxiing away. And do not permit unauthorized aircraft or people to use the gate while you wait for it to close.
- 2) **Control of Remote Controllers:** The controller provided to you by the Currituck County Airport Manager is yours alone and cannot be loaned to others.
- 3) **Driving motor vehicles:** Drive very slowly and watch for people, aircraft, cars, trucks, motorcycles, pets and bicycles. If you see a taxiing aircraft and it looks like you will meet, immediately pull into a driveway, drive forward so all of your vehicle is at least two car lengths away from the edge of the street/taxiway and wait until the aircraft passes. Do this early because most light aircraft cannot back-up, the pilot cannot talk to you on the radio to ask your intentions, and a potentially unsafe situation may be developing. **Do not** try to drive under the wing of the aircraft or maneuver around it on the street. And remember that tail-draggers have poor forward visibility and must S-turn to see around the nose, so give them PLENTY of room as they pass by you.
- 4) **Taxiing an Aircraft:** Taxi at a slow, safe speed and remember that auto-versus-aircraft etiquette is not taught in Driver's Ed classes! If you taxi up to an auto whose non-resident driver seems confused about what to do with his car, stop your aircraft on the street and wait to see if they pull into a driveway so you can pass. If he tries to drive past you by going under or around your wing, shut down your engine(s) immediately! He is creating an unsafe situation.
If instead he just stops in the road and your pointing toward adjacent driveways doesn't help him understand that it is *he* who must yield, it will then be apparent that his host in the Airpark did not properly brief him and he has never seen this Handbook. Remember safety is paramount and you may have to shut down the engine(s), deplane and walk over to him to explain that autos always yield to aircraft. (Just be polite as you ask who he was visiting and then explain that he must pull into a driveway so you can pass. Your issue is with the BLA property owner, if one is involved, not with his uneducated guest. Like it or not, whenever you speak to a non-resident, on or off the Airpark, you represent *every* property owner in this Airpark. Be a polite ambassador for BLA and for aviation in general.)
- 5) **Pedestrians:** If an aircraft appears to be headed to where you are, walk onto any nearby driveway and move far to the outside of the ditch line. This will protect you from the aircraft's wingtips and prop blast as it passes by you. Stay there until the aircraft passes. Do not permit unaccompanied children or animals to move about on the streets/taxiways. And be absolutely certain to hold tightly to children and pets anytime an aircraft is operating nearby. Propeller strikes are lethal and people are killed in the US every year when they inadvertently walk into an invisible rotating

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propeller arc. And as any aircraft carrier-experienced person can tell you, nighttime ground operations are extremely dangerous!

- 6) **Guests who drive in:** Tell them to obey all signs and make sure they know how to behave on an airpark (15 mph driving speeds, aircraft always have the right-of-way, etc.). Make sure they keep their children close to them and do not allow them to wander around the taxiways when aircraft are taxiing. Make certain pets are kept on leashes and closely controlled when aircraft are operating.
- 7) **Guests who fly in:** Same procedures as for “Guests Who Drive In” above plus be sure they understand the operating procedures for the gate. A property owner must meet them at the gate and open it for them, wait for it to close, and escort them to their property for shut-down. Their departure is the same in reverse. Whether coming or going, **be sure to wait for the gate to close** before leaving the gate area.
- 8) **General Safety Practices:**
 - a) Never leave an aircraft unattended with its engine operating, not in your driveway or on a taxiway or anywhere else. This is extremely dangerous.
 - b) As good aviators, we are vigilant along the mid-Atlantic coast as we share our airspace with geese, ducks and dozens of other species of migratory birds. Also stay especially alert in the pattern at KONX since we have the occasional vulture orbiting over County property on the downwind leg to runway 5.
 - c) Make all the AIM-recommended radio calls inbound and outbound to Currituck County Airport. We want to be predictable, professional, aviator neighbors here and set a good example.
 - d) Watch for parachuting operations and towed hang-gliding activity. Both occur at KONX and may not be NOTAM’d. Also watch for Navy turboprop trainers in the pattern, often flown by student pilots.

Appendix B – Airport Usage/Access Fee

The Airpark intends to continue to be a good neighbor to the adjacent Currituck County Regional Airport. One important way to do that is for Airpark residents to continue to pay their fair share of the cost of County airport operations:

- 1- It helps keep the Airpark open and operating. Usage fees are required by the FAA for any airpark to meet the “equitable compensation” test.
- 2 – The County Airport operates on a very small budget and all revenue is important. Airport usage fees from Airpark property owners help offset expenses associated with grass cutting, runway surface maintenance and marking, beacon/other equipment maintenance and personnel expenses.
- 3 – Paying a fair portion of your County Airport’s operating expenses is simply the right thing to do.

Who must pay and how much? - The Currituck County government has determined that a usage fee equal to the annual cost of a tie-down at the airport is a reasonable fee for Airpark property owners. Individual Airpark property owners ***must*** pay the annual airport fee if they access the runway through the gate and/or if they have a hangar here. So basically if you use a remote gate controller or have a hangar you must pay the fee. If you have questions about this policy, contact the County Attorney. (And if you don’t yet use the airport runway but want to help the Airpark maintain its good standing with the County anyway, the County would probably welcome your contribution!)

The BLA POA has no involvement in the *setting* or *collection* of the County’s airport access fee. The County began issuing statements/invoices to appropriate property owners in 2014. Send your check every January to:

County of Currituck
153 Courthouse Rd, Suite 101
Currituck, NC 27929

Put your lot number and “Brady Landing Access Fee” in the memo section and keep your cancelled check as proof of payment.