IDA 591

September 1, 2017

VICE CHANCELLOR AND CHIEF FINANCIAL OFFICER—PLANNING AND BUDGET
VICE CHANCELLOR—ADMINISTRATIVE AND BUSINESS SERVICES

RE: Delegation of Authority – Negotiation, Approval, and Execution of Real Property Easements and Rights of Way

The authority to negotiate, approve and execute easements and rights of way for campus real property was delegated to Chancellors by Presidential Delegation DA 2233, September 3, 2009.

I am redelegating to the Vice Chancellor and Chief Financial Officer–Planning and Budget and the Vice Chancellor–Administrative and Business Services the authority to negotiate and, with each vice chancellor’s office in consultation with the other, to approve and execute easements and rights of way for University real property when such grants of easement and rights of way:

1. are (i) revocable on not more than 180 days’ notice, or (ii) provide utility services to the University, regardless of revocability, or (iii) comprise less than 5,000 square feet of University land;

2. are not conveyances of a fee interest in real property;

3. have a clear and determinable location based on a legal description with a map depicting the area, and a determination has been made by the campus planning office that the easement does not interfere with any existing or future campus land use;

4. do not involve the assumption by the University of liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests, except that this restriction does not apply if under the agreement the University assumes responsibility for liability resulting from the condition of licensed property which the University is obliged to maintain [Standing Order 100.4(dd)(9)]; and

5. are written on a form that has been approved by the Office of the General Counsel (OGC), and in particular contains language requiring that (i) the easement or right of way terminate following a period of non-use, (ii) the grantee quitclaims its interest upon termination, and (iii) the University has the unilateral right to relocate the easement or right of way to eliminate material interference with the University’s land use.

You are further delegated authority to approve and execute ancillary documents, amendments, or other modifications to any easement and right of way within the authority delegated herein.
Easement and right of way agreements that do not meet these conditions must be submitted to the Office of the President, Real Estate Services & Strategies (RESS) for approval by OGC and execution by the President. The RESS and OGC are available to consult on easements and rights of way negotiation and documentation. The campus shall be the office of record for original executed copies of agreements pertaining to easements and rights of way and amendments thereto made under this delegation, except that original recorded documents shall be returned to the University for retention by the Secretary and Chief of Staff to The Regents.

Exercise of authority provided by this delegation shall be in accordance with policies, procedures and guidelines established by The Regents and the President, as they may be amended from time to time. The campus easement practitioner shall complete and maintain in the official easement file the checklist attached to DA 2233 for easements and rights of way prepared pursuant to this delegated authority (“Easement Checklist”).

Annually, by July 31, you shall certify and submit to the RESS a report listing each easement or right of way approved and executed pursuant to this delegated authority during the preceding fiscal year, including the total square footage of executed agreements. The certification shall attest that all terms referenced in this delegation and the Easement Checklist have been met.

This authority may not be further redelegated and supersedes Chancellor Drake’s October 23, 2009, delegation of authority on the same subject (IDA 485).

Howard Gillman
Chancellor

cc: Provost and Executive Vice Chancellor
    Vice Chancellors
    Office of Campus Counsel
    Associate Provost and Executive Vice Chancellor
    Associate Vice Chancellor—Administration and Chief of Staff, Health Affairs
    Assistant Vice Chancellor—Accounting and Fiscal Services
    Assistant Vice Chancellor—Design & Construction Services
    Assistant Vice Chancellor—Facilities Management
    Director—Environmental Planning and Sustainability
    Director—Real Estate Services
    Director—Internal Audit
    Chief Procurement Officer—Procurement Services
    Manager—Administrative Policies