

**MEMORANDUM**

**To:** Board of Regents  
**From:** Board Office  
**Subject:** Institutional Agreements, Leases and Easements  
**Date:** July 7, 2000

**Recommended Action:**

Approve the leases for the benefit of the institutions as summarized below.  
**(ROLL CALL VOTE)**

**Executive Summary:**

The Iowa Code requires that agreements, leases and easements involving real property be approved by the Board of Regents by roll call vote. The leases and easements presented for approval this month have been reviewed by the Attorney General's Office and are recommended for approval. A listing of principals is included as an attachment to this docket memorandum.

The University of Iowa requests approval of lease agreements with First Johnson Property Management for the University's use of space in Centerville, Iowa, for the Entrepreneurs with Disabilities Program of the College of Law; DWD, Inc., for the University's use of space in Carroll, Iowa, for the Child Health Specialty Clinics; and the University of Iowa Facilities Corporation for the University's use of a single family house for visiting scholars in the College of Law. The University also requests approval to enter into a right-of-way easement agreement with MidAmerican Energy Company to accommodate construction of the Hawkeye Athletic/Recreation Facilities Complex on the far west campus, and easement agreements with the City of Coralville for the installation of a water main through a portion of the Oakdale Research Park.

Iowa State University requests approval of easement agreements with the City of Ames which will grant easements to the City for electrical and water lines on University property near the Reiman Gardens.

The University of Northern Iowa requests approval to enter into a lease agreement with the Waterloo-Cedar Falls Symphony for its use of office space in the Gallagher-Bluedorn Performing Arts Center.

**Background and Analysis:**

**A. UNIVERSITY OF IOWA**

1. **FIRST JOHNSON PROPERTY MANAGEMENT, L.L.C. (Landlord)**— The University requests approval to enter into a new lease with First Johnson Property Management, L.L.C., for the University's use of 1,507 square feet of office space located in Centerville, Iowa. The space will be leased at the rate of \$610 per month (\$4.86 per square foot, \$7,320 per year) for a one-year period commencing October 1, 2000, through September 30, 2001.

The office space will be used by staff of the Entrepreneurs with Disabilities Program of the College of Law. This program is a collaborative effort among the Iowa Department of Education Division of Vocational Rehabilitation Services, the Iowa Department for the Blind, the Iowa Department of Economic Development, and the Law, Health Policy and Disability Center at the University of Iowa College of Law. The purpose of the program is to provide technical and financial assistance to qualified individuals with disabilities who seek to be self-sufficient by establishing or expanding a small business. The program at the University is funded through a contract with the Iowa Department of Education Division of Vocational Rehabilitation Services.

The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with Iowa Code Chapter 669.

2. **DWD, INC. (Landlord)**— The University requests approval to enter into a new lease with DWD, Inc., for the University's use of 1,568 square feet of office and clinic space located in Carroll, Iowa. The space will be leased at the rate of \$800 per month (\$6.12 per square foot, \$9,600 per year) for a two-year period commencing October 1, 2000, through September 30, 2002.

The space will be used by the Department of Pediatrics as a regional office and clinic for the Child Health Specialty Clinics. This service has been provided in the Carroll area with the office and clinic functions in separate locations. The proposed lease agreement will allow both functions to be consolidated in the same space.

The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with Iowa Code Chapter 669.

3. UNIVERSITY OF IOWA FACILITIES CORPORATION (Landlord)—  
The University requests approval to enter into a new lease with the University of Iowa Facilities Corporation for the University's use of a single family house located at 320 Melrose Avenue in Iowa City. The house will be leased at no cost to the University and will be used to provide short-term housing for visiting scholars in the College of Law. The house will be leased for a one-year term commencing July 1, 2000.

The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with Iowa Code Chapter 669.

4. MIDAMERICAN ENERGY COMPANY—The University requests approval to enter into a right-of-way easement agreement with MidAmerican Energy Company. The easement agreement will reduce some of the existing easement areas at the Hawkeye Athletic/Recreation Facilities Complex site near Melrose Avenue and Mormon Trek Boulevard. The current easements conflict with the University's proposed development in this area, necessitating the right-of-way easement agreement.

In 1932, the majority of the University land located off Melrose Avenue and Mormon Trek Boulevard was encumbered by two blanket easements which allowed the Natural Gas Pipeline Company of America and its successors to construct, operate and maintain gas pipeline facilities across the property. In preparation for construction of the athletic facilities in this area, MidAmerican Energy Company, which now holds the rights to the easements, is willing to reduce the size of the easements to the area required to accommodate the gas pipeline. Upon the granting of the proposed right-of-way easement, MidAmerican Energy Company will release the majority of the blanket easements, allowing broader utilization of the property by the University.

5. **CITY OF CORALVILLE**—The University requests approval to enter into permanent and temporary easement agreements with the City of Coralville. The easements are needed so the City can install a water main to transport treated water to a new water tower which will serve the northern area of the City of Coralville. A portion of the route for the water main will cross University property along the southwest corner of the Oakdale Research Park.

The permanent easement will consist of a 20 foot wide strip of land approximately 891 feet long (approximately 0.40 acres). The temporary construction easement, which will be used for installation of the water main, includes an area along both sides of the permanent easement.

The proposed project will benefit the University since it will significantly improve the water supply to the Oakdale Campus and the Research Park. The easement will be provided to the City of Coralville at no cost.

The City agrees to indemnify, defend and save the University, the Board, and the State of Iowa, harmless from damages resulting from its use of the easement areas, except that which may be due to unavoidable casualty beyond the City's control, or from which the City may be exempt under state law.

## B. IOWA STATE UNIVERSITY

1. **CITY OF AMES**—The University requests approval to enter into electrical and water line easement agreements with the City of Ames. The agreements will grant easements to the City in an area near the Reiman Gardens where a City water line and electrical system cross University property.

Both of the utilities were installed in a roadway right-of-way when the property was owned by Story County. While the City has claimed ownership of the utilities in this area of University property, a title search has found no documentation of City ownership.

In order for the University to establish sole claim to the land to accommodate additional development at the Reiman Gardens, the University will first enter into easement agreements with the City which will serve to document the City's claim to the utility lines. The easements will grant to the City a ten feet wide strip of land generally located between Beach Avenue and Elwood Drive. Upon approval of the easements, the City of Ames will issue a Quit Claim Deed to the University for this area so that the University will have sole claim to the land.

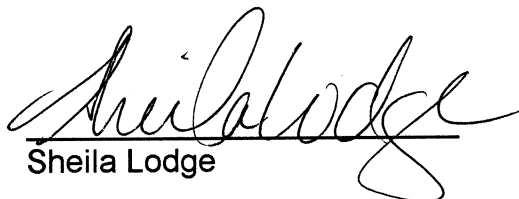
The City agrees to indemnify and save the University and the Board harmless from damages resulting from its use of the easement areas.

C. UNIVERSITY OF NORTHERN IOWA

1. WATERLOO-CEDAR FALLS SYMPHONY (Tenant)—The University requests approval to enter into a new lease with the Waterloo-Cedar Falls Symphony for its use of 1,155 square feet of office space in the Gallagher-Bluedorn Performing Arts Center. The space will be leased at the rate of \$385 per month (\$4 per square foot, \$4,620 per year) for a five-year period commencing July 1, 2000 through June 30, 2005.

The space to be leased will house the administrative offices of the symphony. The lease will also include the use of a conference room and restroom areas.

The tenant agrees to indemnify, defend, and hold harmless the University as customarily required.

  
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Sheila Lodge

Approved:   
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Frank J. Stork

Attachment

Listing of Principals for Leases

July 2000

Lease

Principals

**University of Iowa**

First Johnson Property Management

Byron and Peggy Johnson

The principals are not affiliated with the University.

DWD, Inc.

Russell Wunshcel, Dick Dentlinger,  
Howard Drees

The principals are not affiliated with the University.

University of Iowa Facilities Corporation

Michael New, President

Michael New is also president of the University of Iowa Foundation.

MidAmerican Energy

James Averweg, Vice President  
P.J. Leighton, Secretary

The principals are not affiliated with the University.

City of Coralville

James Fausett, Mayor

The principal is not affiliated with the University.

**Iowa State University**

City of Ames

Ted Tedesco, Mayor

Mr. Tedesco is not affiliated with the University. Payments have been made to the City of Ames in accordance with established procurement procedures.

**University of Northern Iowa**

Waterloo-Cedar Falls Symphony

Rachel Folland, Executive Director

The principal is not affiliated with the University.