

MEMORANDUM

To: Board of Regents
From: Board Office
Subject: Institutional Agreements, Leases and Easements
Date: September 8, 2003

Recommended Action:

Approve the leases and easement assignment 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 the easement assignment have been reviewed by the Attorney General's Office and are recommended for approval.

Approval is requested for the following:

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| University of Iowa | <p>Lease agreement with the Iowa Secretary of State for its use of space on the Oakdale Campus for its Voter Registration Reform Project.</p> <p>Lease agreement with Prairie Lakes Area Education Agency for the University's use of space in Fort Dodge, Iowa, for a UIHC Child Health Specialty Clinic.</p> <p>Lease agreement with the State Public Policy Group for the University's use of space in Des Moines for the Center for Public Health Practice of the College of Public Health.</p> <p>Lease renewal with Finley Tri-States Health Group for the University's use of space in Dubuque for a UIHC Ophthalmology Outreach Clinic.</p> <p>Lease renewal with Village Court Associates for the University's use of apartment space in the Des Moines area for residents of the Carver College of Medicine Department of Ophthalmology.</p> <p>Lease renewal with Resource Development Associates for its use of business incubator space at the Oakdale Research Park.</p> <p>Assignment of easement agreement to the University from MidAmerican Energy Company, resulting from the University's planned purchase of conduit space to install telecommunications service to the Finkbine Commuter Parking Lot.</p> |
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Iowa State University	Lease extensions with Banner Investments and Determan Investments for the University's use of space in Dubuque and Mason City for the Child Welfare Research and Training Project.
University of Northern Iowa	Lease agreement with Waterloo MSA Limited Partnership, d/b/a Verizon Wireless, for construction of a telecommunications tower on the University's far west campus.
Iowa School for the Deaf	Lease renewal with Iowa Western Community College for its use of space in the Careers Building on the Iowa School for the Deaf campus.

Background and Analysis:

UNIVERSITY OF IOWA

LEASES

Tenant	Iowa Secretary of State (new)
Area/Location	105 square feet of space in Oakdale Hall on the Oakdale Campus.
Lease Term	One-year period commencing July 1, 2003, through June 30, 2004.
Lease Rate	\$105 per month (\$12 per square foot, \$1,260 per year).
Use of Space	Office space for a staff member of the Secretary of State's Office working on the Voter Registration Reform Project, which will create a statewide voter registration database.
Liability	Since the agreement is between two State agencies, an indemnification clause is not necessary.
Principal Information	The principal, Melanie Gross, has no affiliation with the University.

Landlord	Prairie Lakes Area Education Agency (new)
Area/Location	336 square feet of office space located in the Prairie Lakes Area Education Agency Building, Fort Dodge, Iowa.
Lease Term	One-year period commencing October 1, 2003, through September 30, 2004.
Lease Rate	\$224 per month (\$8 per square foot, \$2,688 per year).
Use of Space	Regional office and clinic for the UIHC Child Health Specialty Clinics.
Liability	The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with <u>Iowa Code</u> Chapter 669.
Principal Information	The principal, William J. Garner, Chief Administrator, has no affiliation with the University.

Landlord	State Public Policy Group (new)
Area/Location	285 square feet of office space located in the Clemens Building, 200 Tenth Street, Des Moines, Iowa.
Lease Term	Nine-month period commencing October 1, 2003, through June 30, 2004.
Lease Rate	<p>\$700 per month for the office space (\$29.47 per square foot, \$8,400 per year).</p> <ul style="list-style-type: none">• The lease rate includes all furnishings and some support staff services.• The University would also have access to the reception area, conference room, workroom, rest rooms, break area, and kitchen facilities at no additional charge.
Use of Space	<p>Office and meeting space for the College of Public Health's Center for Public Health Practice, which administers the programs of the Upper Midwest Public Health Training Center.</p> <ul style="list-style-type: none">• The Upper Midwest Public Health Training Center, located at the University of Iowa College of Public Health, is a regional center of the U.S. Department of Health and Human Services Public Health Training Centers Program, and serves the states of Iowa, Nebraska and South Dakota.• The specific purpose of the Upper Midwest Public Health Training Center is to establish a public health training center that serves professionals and students in public health and provides information on the latest public health techniques and practice.• The Public Health Training Centers Program provides assistance to enhance the quality of public health services being provided by public health personnel, especially for underserved areas and populations, through distance and computer-based learning technologies, collaborations with local, state and regional public health agencies and boards of health, local educational institutions, and community-based organizations. <p>The Upper Midwest Public Health Training Center would be providing the grant funds for the University's lease payments.</p>

State Public Policy
Group

The State Public Policy Group (the landlord) provides the following services to the Upper Midwest Public Health Training Center:

- Provides contact with members of congressional delegations of the three states.
- Supports efforts to ensure participation by key organizations in each of three states.
- Assists with the development role of the regional coordinating group.
- Assists in meetings of the state working groups.

Additional Information

The University previously leased space for this program in Des Moines from the Iowa Department of Public Health; this space is no longer available due to state budget cuts.

Because of the services provided by State Public Policy Group for the Center, the University believes the proposed lease provides the best location in Des Moines for the College to continue to coordinate services and maintain relationships with public health officials.

Liability

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

Principal Information

The principal, Tom Slater, President and CEO, serves in a volunteer capacity on the Advisory Board of the College of Public Health, but otherwise has no affiliation with the University.

Landlord	Finley Tri-States Health Group (renewal)
Area/Location	1,375 square feet of office space in The Finley Hospital, 300 North Grandview Avenue, Dubuque, Iowa.
Lease Term	One-year period commencing October 1, 2003 through September 30, 2004.
Lease Rate	\$1,735.94 per month (\$15.15 per square foot, \$20,831.28 per year).
Use of Space	UIHC Ophthalmology Outreach Clinic; the Clinic provides limited laser surgery, and refers patients to the UIHC Ophthalmology Clinic for other services.
Space/Rate Comparison	The square footage and lease rate are unchanged.
Additional Information	Funding for the lease would be provided by patient revenue generated from the Carver College of Medicine Faculty Practice Plan.
Liability	The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with <u>Iowa Code</u> Chapter 669.
Principal Information	The principal, John E. Knox, President and CEO, has no affiliation with the University.

Landlord	Village Court Associates (renewal)
Area/Location	875 square feet of apartment space (Apartment #201) located at 5963 Greendale Place, Johnston, Iowa.
Lease Term	One-year period commencing September 1, 2003, through August 31, 2004.
Lease Rate	\$795 per month (\$10.90 per square foot, \$9,540 per year).
Use of Space	Housing for a Carver College of Medicine Department of Ophthalmology resident while on rotation at the Veterans Administration Hospital in Des Moines.
Space/Rate Comparison	The square footage and lease rate are unchanged.
Additional Information	Funding for the lease would be provided by patient revenue generated from the Carver College of Medicine Faculty Practice Plan.
Liability	The medical resident would be required to obtain renters insurance for use of the space.
Principal Information	The principal, Sarah Hosier, Property Manager, has no affiliation with the University.

Tenant	Resource Development Associates (renewal)
Area/Location	286 square feet of space in the Technology Innovation Center at the Oakdale Research Park.
Lease Term	One-year period commencing September 1, 2003, through August 31, 2004.
Lease Rate	\$143 per month (\$6 per square foot, \$1,716 per year).
Use of Space	Development of a variety of Internet and software products for use in the operation and management of healthcare facilities.
Space/Rate Comparison	The square footage and lease rate are unchanged.
Liability	The tenant agrees to indemnify, defend, and hold harmless the University as customarily required.
Principal Information	One of the principals, Kristina Barber, is employed by the Iowa Consortium for Substance Abuse at the University of Iowa.

EASEMENT ASSIGNMENT

Assignor	MidAmerican Energy Company
Description/ Location	130 feet of conduit space located beneath the Iowa Interstate Railroad tracks northeast of the University's Finkbine Commuter Parking Lot on the west campus.
Purpose	<p>The University plans to purchase the conduit space from MidAmerican Energy, at the purchase price of \$3,730, for the installation of telecommunications service to the parking lot.</p> <p>The conduit was installed by MidAmerican Energy following the granting of an easement from Hawkeye Land Company in November 2000.</p> <p>Therefore, the University's purchase of the conduit requires assignment to the University of the existing easement agreement between Hawkeye Land Company and MidAmerican Energy Company.</p>
Terms	<p>The University would accept all terms and conditions, and assume all liabilities, of the existing easement agreement between Hawkeye Land Company and MidAmerican Energy Company.</p> <ul style="list-style-type: none">• This would require the University to indemnify, defend and hold harmless Hawkeye Land Company from damages resulting from the University's use of the easement area.
Consideration	The University would pay a \$250 fee to Hawkeye Land Company for the transfer of the easement; the University considers this a fair price for the transfer.
Additional Information	The easement assignment would also require approval of the Executive Council of Iowa.

IOWA STATE UNIVERSITY

LEASES

Landlord	Banner Investments (lease extension)
Area/Location	130 square feet of office space in the Nesler Centre, 799 Main, Dubuque, Iowa.
Terms of Extension	One-year period commencing July 1, 2003, through June 30, 2004.
Lease Rate	\$50 per month (\$4.62 per square foot, \$600 per year).
Space/Rate Comparison	The amount of space and rental rate are unchanged.
Use of Space	Child Welfare Research and Training Project of the Department of Human Development and Family Studies.
Additional Information	All other terms of the existing agreement would remain in effect.
Liability	The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with <u>Iowa Code</u> Chapter 669.
Principal Information	The principal, Mike Kielty, has no affiliation with the University.

Landlord	Determan Investments (lease extension)
Area/Location	1,400 square feet of office space in Suite 206, Mohawk Square, 22 North Georgia, Mason City, Iowa.
Terms of Extension	One-year period commencing July 1, 2003, through June 30, 2004.
Lease Rate	\$721 per month (\$6.18 per square foot, \$8,652 per year).
Space/Rate Comparison	The amount of space and rental rate are unchanged.
Use of Space	Child Welfare Research and Training Project of the Department of Human Development and Family Studies.
Additional Information	All other terms of the existing agreement would remain in effect.
Liability	The University agrees to be responsible for claims arising from its use and occupancy of the space in accordance with <u>Iowa Code</u> Chapter 669.
Principal Information	The principal, J. D. Determan, has no affiliation with the University.

UNIVERSITY OF NORTHERN IOWA

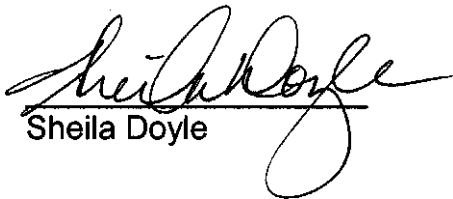
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Tenant	Waterloo MSA Limited Partnership, d/b/a Verizon Wireless (new)
Area/Location	5,625 feet of land located at 2321 West 27 th Street, Cedar Falls, Iowa, on the University's far west campus. (A map indicating the lease location is included as Attachment A.)
Use of Space	Construction and maintenance of a telecommunications tower and antenna facilities.
Lease Term	<p>Five-year period commencing the first day of the month following execution of the lease agreement by the parties, or the first day of the month following commencement of construction, whichever occurs later.</p> <p>The renewal terms of the lease would allow automatic extension of the agreement for up to an additional 30 years at the end of the initial five-year term, unless Verizon Wireless notifies the University of its intention not to renew the lease at least 60 days prior to the expiration of each renewal term.</p> <ul style="list-style-type: none">• The lease may be extended for four additional five-year terms (an additional 20 years) at the end of the initial term.• If the lease is not terminated by either party at the end of the fourth additional term, the lease may be extended for two additional five-year terms (an additional 10 years).
Lease Rate	<p>Initial rental rate of \$1,200 per month (\$14,400 per year), plus utilities.</p> <p>Rental rates for the six, five-year extension terms would increase 15 percent with each extension term (with rates ranging from \$1,380 to \$2,776 per month).</p>
Additional Information	University radio stations KUNI/KHKE would be the direct recipient of the lease revenue, which would be used to offset ongoing rental costs for the stations' existing translator towers.
Liability	The tenant agrees to indemnify, defend, and hold harmless the University.
Principal Information	The principal, Robert F. Swaine, West Area Vice President, has no affiliation with the University.

IOWA SCHOOL FOR THE DEAF

LEASE

Tenant	Iowa Western Community College (renewal)
Area/Location	800 square feet of space located in Room C of the Careers Building on the Iowa School for the Deaf campus.
Lease Term	One-year period commencing September 1, 2003, through August 31, 2004.
Lease Rate	\$896 per month (\$13.44 per square foot, \$10,752 per year).
Use of Space	Alternative High School Program, which is administered by Iowa Western Community College and funded by the school districts that participate in the program.
Space/Rate Comparison	Rate increase of \$72 per month; the amount of space is unchanged.
Liability	The lease agreement requires the tenant to indemnify, defend, and hold harmless the School.
Principal Information	The principal, Gary Faust, Board President, has no affiliation with the School.


Sheila Doyle

Approved: 
Gregory S. Nichols