

March 5 – 6, 2009

ITEM 142-1011-R0309

Grant of Easement to Verizon Wireless, Inc., Fort Missoula Property; The University of Montana – Missoula

THAT:

Pursuant to Montana University System Policy 1003.6, the Board of Regents of the Montana University System authorizes The University of Montana – Missoula to grant an access and utility easement to Verizon Wireless, Inc., a New Jersey corporation (“Verizon”), to bury telecommunication lines on the right of way across Board of Regents’ Fort Missoula property (see map included as Exhibit A). The terms of this easement have been reviewed and found acceptable by the Office of Facilities Services and The University of Montana Legal Counsel.

EXPLANATION:

Easement Description

The University of Montana – Missoula is requesting the Board of Regents grant Verizon a 20’ wide access and utility easement along the access road across the property. (See Exhibit A, page C-1a) This easement is required to allow Verizon access to the water tower serving as a cell antenna site located on adjacent property (not owned by The University of Montana).

The proposed 20’ utility easement would contain the following facilities: buried telecommunication lines. Materials and sizing are yet to be determined.

The University of Montana – Missoula is requesting the Board of Regents grant a temporary construction easement to the property for the purpose of constructing said facilities.

Fair Value

The University of Montana – Missoula will receive fair market value for the easement. Verizon has retained the services of a certified appraiser to determine the fair market value of the easement.

Verizon will pay for all expenses related to the design, construction, and maintenance of said easement and indemnify and hold the University harmless against all legal liabilities and costs arising from activities in connection with the proposed right-of-way easements.

Verizon will return the property to a condition equal to or better than the existing condition once the infrastructure has been completed.

Heritage Property Concerns

The subject parcel has previously been identified as heritage property. As such, the State Antiquities Act and Board of Regent Policy 1003.5 will be complied with prior to commencement of easement construction. The University of Montana – Missoula has initiated

action to comply with these regulations including written notice to the Montana Historical Society, the local chapter of the Montana Historical Society, and published and on-site posted notice of the planned easement.

In addition, in accordance with Board of Regents Policy 1005.1, the UM MEPA officer has reviewed the proposed easement and had determined that no environment assessment is required.

With respect to concerns on our protocol relative to unearthing additional cultural materials, Verizon agrees to employ an archeologist on site any time materials from the 20' easement are to be removed or relocated. The onsite archeologist will have the authority to stop the excavation in the event significant historical resources, Native American cultural materials, or human remains are uncovered. If these types of materials are uncovered, a cultural resource professional would be employed to conduct an investigation and submit a report for consideration by The University of Montana, the State Historic Preservation Office and the Confederated Salish Kootenai Tribe Preservation Office before excavation could be resumed.

ATTACHMENTS:

MT Missoula Easement Exhibit A
Access and Utility Easement Agreement