

**RESOLUTION**

WHEREAS, certain real property owned by the United States of America, located in the County of Fergus, State of Montana, has been declared surplus to the needs of the Federal government and is subject to assignment for disposal for educational purposes by the Secretary of Education, under the provisions of Section 203(k)(1)(a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) (Act), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

BLM Lewistown Field Office, 80 Airport Road, Lewistown, Fergus County, Montana. The property consists of a 15,232 square foot office building, a 6,000 square foot warehouse, vehicle parking shed, garage, and storage shed situated on 3.6562 acres of land.

WHEREAS, Montana State University – Northern needs and can utilize said property for educational purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed, including commitments regarding use and time within such use shall commence.

NOW, THEREFORE, BE IT RESOLVED, that Montana State University - Northern, shall make application to the Secretary of Education for, and secure the transfer to it of, the above-mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions and restrictions as the Secretary of Education, or his authorized representative may require in connection with the disposal of said property under said Act and rules and regulations issued thereto; and

BE IT FURTHER RESOLVED, that Montana State University - Northern has legal authority and is willing and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Alex Capdeville, Chancellor, Montana State University – Northern, is/are hereby authorized, for and on behalf of the Montana State University – Northern to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution including the

preparing, making and filing of plans, applications, reports and other documents; the execution, acceptance, delivery and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof including fees or costs incurred in connection with the transfer of said property for surveys, title searches, real estate appraisals, recordation of instruments or costs associated with escrow arrangements; together with any payments necessary by virtue of nonuse or deferral of use of the property. If the applicant is unable to place the property into use (or determines that a deferral of use should occur), IT IS UNDERSTOOD AND AGREED that Montana State University – Northern will pay to the United States Department of Education for each month of nonuse beginning twelve (12) months after the date of the deed, or thirty-six (36) months where construction or major renovation is contemplated, the sum of  $1/360^{\text{th}}$  of the then current fair market value of the property for each month of nonuse.

If submission of the Application for Public Benefit Allowance Acquisition of Surplus Federal Real Property for Educational Purposes is approved, a copy of the application and standard deed conditions will be filed with the permanent minutes of the Board.

Montana Board of Regents of Higher Education

2500 Broadway

Helena, Montana 59620

I, (insert name of certifying officer), hereby certify that I am the (title of certifying officer), of the Montana Board of Regents of Higher Education and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Montana Board of Regents of Higher Education present at a meeting of said Board of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at which a quorum was present.

(Signature of certifying officer)