

ITEM 139-2012-R0508

**Authorization to Execute Right of Way Agreements with the Montana Dept of Transportation; Montana State University**

**THAT:**

The Board of Regents of the Montana University System authorizes Montana State University to execute Right of Way Agreements with the Montana Dept of Transportation (MDT) to accommodate highway construction adjacent to the Bozeman campus.

**EXPLANATION:**

1. South 19<sup>th</sup> Ave, a state secondary highway, bisects the MSU campus. The current number of vehicle trips per day on the roadway significantly exceeds the capacity of the existing three lane facility. MDT and the City of Bozeman expect to bid a project in summer 2008, to reconstruct/widen the highway into a modern five lane facility. This project includes intersection improvements at three major intersections adjoining the campus.
2. In order to maintain appropriate design features, pedestrian facilities, lane widths, utility crossings, turn bays at intersections, etc., additional right of way is required in several strategic locations. MSU has negotiated with MDT to assure that the required rights of way are the reasonable minimum required to accomplish the design and construction of a highway that is safe for vehicles, pedestrians and adjacent residents.
3. This project is funded with federal, state and local highway funds, and does not require any construction funding from the university.
4. Each proposed right of way has been appraised in accordance with state and federal requirements and MSU will be compensated for each right of way according to its MDT appraised value. Each agreement includes a permanent right of way and a temporary construction easement. These amounts satisfy the fair market requirement noted in Regents Policy 1006.3, IV.
  - ROW #11 – 172sf - \$2850
  - ROW #12 – 1,956sf - \$13,100
  - ROW #13 – 26,425sf - \$283,750