

May 28-29, 2009

ITEM 143-2009-R0509

**Authorization to Execute Easement/Right of Way Agreement
between the Hill County Electric Cooperative and the Northern Ag
Research Center, Montana Agricultural Experiment Station;
Montana State University**

THAT:

Consistent with Regents Policy 1003.6.IV, the Board of Regents of the Montana University System authorizes MSU to execute agreements with the Hill County Electric Coop to provide an easement required to install transmission lines on MAES/NARC property.

EXPLANATION:

1. Approximately 30+ years ago, NARC accepted use and/or ownership of a strip of land created by the abandonment of a section of old Highway 87 resulting from the relocation and reconstruction of the highway to a new more safe and efficient alignment. As shown on the attached General Arrangement Plan View drawing, the land associated with NARC and the adjacent electric substations is bifurcated by multiple easements, power structures, fences and access routes.
2. The Hill County Electric Cooperative (HCEC) needs an easement to accommodate installation of new power lines between the main WAPA Substation and a new HCEC Substation. Both substations are on the northwest side of US Highway 87 adjacent to the MAES Northern Ag Research Center (NARC) near Havre.
3. The prior history of this small area, along with the congestion of existing easements and structures, negates any realistic potential of value relative to useable land in the vicinity. NARC has already benefited from existing old fencing being replaced by HCEC. MSU supports granting the requested easement, benefits indirectly from the collaboration of the two power distributors and can continue beneficial use of the pasture beneath the proposed power lines in the future.
4. This project will be funded by the HCEC at no direct cost to NARC.
5. Regents Policy 100.3 allows for the Board to approve easements on university system property. Fair value must be received for the easement. Benefit to the campus may be considered when determining fair value. In this case, the improvements to campus property constitute fair value for the easement.