

May 28-29, 2009

ITEM 143-2802-R0509

**Authorization to Abrogate the Deed Restrictions on a Portion of the Former BLM Lewistown Field Office Property Conveyed to MSU-Northern by the U.S. Department of Education and to Remit Required Abrogation Payment; Montana State University-Northern**

**THAT:**

The Board of Regents authorizes MSU-Northern to abrogate, or cancel, deed restrictions on a portion of the parcel identified in the attached appraisal report and authorizes the chancellor of MSU-Northern to execute the necessary legal documents and take any and all actions necessary to carry out the abrogation.

**EXPLANATION:**

MSU-Northern acquired the former BLM Lewistown Field Office property as a public benefit conveyance from the U.S. Department of Education. See ITEM 128-2804-R0905. The Quit Claim Deed issued in connection with the conveyance imposed restrictions on the use of the property and required Department of Education approval for transfer or disposition of any portion of the land conveyed.

MSU-Northern seeks approval to abrogate deed restrictions on a 975 square foot rectangle of land on a parcel with a total acreage of 2.940 acres. Upon abrogation, and with further necessary approvals, MSU-Northern intends to exchange this land for a parcel consisting of 6,578 square feet owned by Sass Land, LLC, owner of adjacent property. Sass Land, LLC has agreed to reimburse MSU-Northern for the \$1,318.68 abrogation payment made to the Department of Education.

The abrogation and subsequent exchange will result in improved joint access to both the MSU-Northern property and the Sass Land property which will be constructed by Sass Land. MSU-Northern will use the land exchanged for badly needed parking for the Lewistown campus.

As noted in the attached correspondence from the Department of Education, the Board's approval of the abrogation of the deed restrictions will start the process to obtain approval of the Department of Education and the General Services Administration.

The abrogation of this property will not adversely affect access to the Lewistown property since the property currently has two entrances. Further, the abrogation will not adversely affect the delivery of educational programs at Lewistown. MSU-Northern seeks this abrogation because the improved entrance and the availability of additional parking will improve the educational services to be offered at Lewistown.