

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: 27

DATE:

January 18, 2005

RECOMMENDATION

**CONVEYANCE OF PROPERTY - THE WILLIAM H. SMART
PHYSICAL PLANT BUILDING**

ACTION REQUESTED

It is recommended that the Board of Regents approve the attached resolution requesting and approving conveyance of property for the William H. Smart Physical Plant Building (New Physical Plant Building) back to Eastern Michigan University from the State Building Authority.

STAFF SUMMARY

On June 17, 2004 the University was notified by the State Building Authority that the bonds issued to finance the New Physical Plant Building are paid in full. The University is now eligible to request a reconveyance of the property which was deeded to the Authority by the University pursuant to the project financing and underlying Lease. The State Building Authority has indicated that the attached Resolution should be approved by the Board of Regents and transmitted to the State Building Authority for reconveyance of the property.

FISCAL IMPLICATIONS

Pursuant to the Lease, it will be necessary for the University to provide \$1.00 payment to the State Building Authority as nominal consideration to the Authority. The University will also need to pay \$23.00 in order to record the quitclaim deed with the Washtenaw County Register of Deeds.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.

University Executive Officer

Date

A RESOLUTION OF THE GOVERNING BODY
OF EASTERN MICHIGAN UNIVERSITY
APPROVING CONVEYANCE OF PROPERTY
FOR THE NEW PHYSICAL PLANT BUILDING

A RESOLUTION of the Governing Body of Eastern Michigan University (the "Educational Institution") requesting and approving the conveyance of property and to provide matters relating thereto.

WHEREAS, the State Building Authority (the "Authority"), a statutory body corporate created under provisions of 1964 PA 183, as amended, is authorized to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage and maintain buildings, necessary parking structures or lots and facilities and sites therefore for use by the State or any of its agencies including institutions of higher education created pursuant to Sections 5, 6 and 7 of Article VIII of the Michigan Constitution of 1963; and

WHEREAS, the Educational Institution has been created and is maintained pursuant to Sections 4 and 6 of Article VIII of the Michigan Constitution of 1963; and

WHEREAS, the Authority has previously acquired the New Physical Plant Building and the site upon which it was constructed (the New Physical Plant Building and the site together are the "Facilities") and the Authority leased the Facilities to the Educational Institution and the State of Michigan (the "State") pursuant to a lease dated as of March 1, 1996 (the "Lease"); and

WHEREAS, under the terms of the Lease, the Authority agreed to convey title to the Facilities to the Educational Institution upon request by the Educational Institution after the Bonds which financed the Facilities (the "Bonds" as defined in the Lease) and any additional bonds or other obligations as provided in the Lease are paid in full or provision for the payment thereof is made as provided in the Lease for consideration of one (\$1.00) Dollar and the assumption by the Educational Institution of all monetary obligations and legal responsibilities for the operation and maintenance of the Facilities; and

WHEREAS, the Bonds have been paid in full and all conditions established by the Lease as conditions precedent to conveyance of title to the Facilities by the Authority to the Educational Institution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE EDUCATIONAL INSTITUTION THAT:

1. The Educational Institution hereby requests that the Authority convey title to the Facilities by Quitclaim Deed to the University.

2. The consideration for the conveyance of the Facilities shall be one (\$1.00) Dollar and the assumption by the Educational Institution of all monetary obligations and legal responsibilities for the operation and maintenance of the Facilities.

3. The conveyance of the Facilities pursuant to the terms and conditions set forth above is approved and each of the _____ and _____ of the Educational Institution is authorized and directed to execute any documents to accomplish the conveyance in such form as may be requested by the Authority and approved by counsel for the Educational Institution.

4. All ordinances, resolutions and orders or parts thereof in conflict with this resolution are, to the extent of such conflict, repealed.

5. This resolution shall be effective immediately upon its adoption.

CERTIFICATE REGARDING RESOLUTION
EASTERN MICHIGAN UNIVERSITY
NEW PHYSICAL PLANT BUILDING

I, the undersigned, hereby certify that:

1. I am the _____ of the Governing Body of Eastern Michigan University, a Michigan body corporate.

2. The attached resolution is a full, true and compared copy of the Resolution of the Governing Body of Eastern Michigan University Approving Conveyance of Property for the New Physical Plant Building, duly presented and adopted at a regular meeting duly called and held by said board at _____, Michigan, on _____, 2004, at which a quorum was present and voting.

The following were present: _____

And the following were absent: _____

3. The attached resolution will be duly recorded in the minute books of the Governing Body of Eastern Michigan University and is still in full force and effect.

4. Notice of the meeting at which the attached resolution was adopted was given pursuant to and in full compliance with applicable law.

Dated: _____