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November 9, 2009

UCLA DA 140.57

**EXECUTIVE DIRECTOR BRADLEY A. ERICKSON, CAMPUS SERVICE ENTERPRISES**

**Delegation of Authority – Negotiation, Approval and Execution of Real Property Easements and Rights-of-Way**

**References:** (a) UC DA 2233 (Negotiation, Approval, and Execution of Real Property Easements and Rights of Way) to Chancellors, et al., dated September 3, 2009;

(b) Regents' Standing Order 100.4(jj).

**Supersedes:** UCLA DA 140.53 (Approval of Real Property Easements and Rights-of-Way) to Executive Director Erickson, dated 10/8/2008.

Effective as of the date above, I hereby delegate to you, in your area of responsibility, the authority to negotiate, and within the following parameters to approve and execute easements and rights-of-way (grants) for campus real property, as described in Standing Order 100.4(jj), and subject to policies and guidelines that may be established by the Office of the President, and including authority to approve and execute ancillary documents, amendments, or other modifications to any easement and right-of-way, provided that such grants:

1. are (i) revocable on not more than 180 days' notice, or (ii) provide utility services exclusively to the University, regardless of revocability, or (iii) comprise not more than 5,000 square feet of University land;
2. are not conveyances of a fee interest in real property;
3. have a clear and determinable location based on a legal description with a map depicting the area, and a determination has been made by the campus planning office that the easement does not interfere with any existing or future campus land use;
4. do not involve the assumption by the University of liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests, except that this restriction does not apply if under the agreement the University assumes responsibility for liability resulting from the condition of licensed property which the University is obliged to maintain (see Regents Standing Order 100.4(dd)(9)); and
5. are written on a form that has been approved by the Office of the General Counsel (OGC), and in particular contain language requiring that (i) the easement or right-of-way terminate following a period of non-use; (ii) the grantee quitclaims its interest upon termination, and (iii) the University has a unilateral right to relocate the easement or right-of-way to eliminate material interference with the University's land use.

Easement and right-of-way agreements that do not meet these conditions must be submitted to the Office of the President, Real Estate Services Group (RESG) for approval by OGC and execution by the President. The campus shall be the office of record for original executed copies of agreements and amendments thereto made under this delegation, except that the original recorded documents shall be returned to the University, for retention by the Secretary and Chief of Staff to The Regents. The campus easement practitioner shall complete and maintain in the official easement file the attached checklist pursuant to this delegation ("Easement Checklist").

In order that I may submit a report to RESG annually, by July 31<sup>st</sup>, you shall certify and submit to me such report listing each easement or right-of-way approved and executed pursuant to this delegation during the preceding fiscal year, including total square footage of executed agreements. The certification shall attest that all terms referenced in this delegation and Easement Checklist have been met.

This delegation is being reissued due to the reissuance of the parent OP delegation and there are numerous substantive changes to the delegation being superseded including: grants are revocable on not more than 180 days' notice (was 120 days); grants comprise not more than 5,000 square feet of University land (was 1,000 square feet); a new Easement Checklist and annual reporting to RESG. Any redelegation shall be in writing with a copy to me and those listed below.



Sam J. Morabito  
Administrative Vice Chancellor

Attachment

cc: Chancellor  
Executive Vice Chancellor and Provost  
Associate Vice President – Capital Resources Management  
General Counsel and Vice President for Legal Affairs  
Universitywide Policy Coordinator  
Manager, Administrative Policies & Delegations

## EASEMENT CHECKLIST

(Risk Mitigation and Policy Compliance)

All documentation relied upon to approve the transaction must be maintained in the campus project file. Authority to negotiate, approve and execute real estate related documents is subject to compliance with all UC policies and appropriate Delegations of Authority. Transaction authority and delegation links: [http://www.ucop.edu/facil/resg/documents/authority\\_real\\_estate.pdf](http://www.ucop.edu/facil/resg/documents/authority_real_estate.pdf)

CAMPUS: \_\_\_\_\_ TYPE OF EASEMENT:<sup>1</sup> \_\_\_\_\_

**I. EASEMENT LOCATION** \_\_\_\_\_

**II. THE REGENTS AS:**

- Grantor (i.e., servient tenement)
- Grantee (i.e., dominant tenement)
- Other (specify)  \_\_\_\_\_

**III. EVALUATION & AUTHORIZATION**

Check Done	Not Appl.	Date <sup>2</sup> (mo/day/yr)
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**A. FINANCIAL**

- 1. Confirmation of budgetary authority to acquire easement<sup>3</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 2. Appraisal of easement value prepared confirming price or cost to UC<sup>4</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 3. Accomodation fee included for small value easements where UC is Grantor 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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**B. PHYSICAL**

- 1. Campus Planning has determined that the easement is consistent with the LRDP<sup>5</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 2. EH&S review for public safety considerations depending on type and location of use 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 3. A&E review/oversight to the extent of construction on campus or by UC 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 4. A definitive legal description of the easement area is an exhibit to the easement<sup>6</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 5. For UC as Grantor, Grantee to be responsible for any damage to property 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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**C. UC POLICY**

- 1. For UC as Grantor, it is confirmed that a fee interest is not being transferred 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 2. Campus Risk Management approval of form of indemnity and insurance (incl. limits) 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 3. Records retention requirements satisfied consistent with BFB RMP-2<sup>7</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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**D. LEGAL REQUIREMENT/REVIEW**

- 1. If UC does work, Public Contract Code compliance confirmed per Facilites Manual 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 2. UC as Grantor, easement includes relocatability and termination for non use<sup>8</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 3. UC as Grantor, easement non-exclusive preserving UC use rights to extent feasible 

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 4. Easement on standard form or approved as to legal form by OGC as required<sup>9</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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- 5. CEQA compliance affirmed<sup>10</sup>

<input type="checkbox"/>	<input type="checkbox"/>	_____
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\_\_\_\_\_  
**Certification of Campus Official**  
 (with delegated easement approval authority)

\_\_\_\_\_  
**Date**

<sup>1</sup> For example, access (specify any limits; e.g., pedestrian), utility (specify type: e.g., gas, water or data), open space or special purpose (specify).  
<sup>2</sup> The date on which the item has been determined in compliance (form completed as appropriate) or not applicable to this transaction.  
<sup>3</sup> Appropriate campus form/letter documenting internal approval and budget in campus project file.  
<sup>4</sup> Documented opinion of value consistent with the approach outlined on the RESG/OP Website.  
<sup>5</sup> For UC as Grantor, the location of the easement is not likely to conflict with any foreseeable use of the property by UC.  
<sup>6</sup> Metes and bounds description by licensed surveyor/equivalent of the permanent and temporary (construction) areas comprising the easement.  
<sup>7</sup> For any recorded easement, copies are to be provided to UC Secretary & Chief of Staff and to RESG/OP with Checklist.  
<sup>8</sup> UC form of easement (RESG Website) provides for these rights which should be maintained regardless of form used.  
<sup>9</sup> Required for any easement whether UC is Grantor or Grantee (an approved standard form is not available as of Sept. 2009).  
<sup>10</sup> All appropriate CEQA documentation completed, approved and filed.