

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

April 10, 2007

A special meeting of the Board of Regents was held on Tuesday, April 10, 2007 at 9:30 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents Present: Patricia Simmons, presiding; Dallas Bohnsack, Linda Cohen, Steven Hunter, Dean Johnson, and David Metzen. Regents Allen and Larson participated via telephone.

Staff present: President Robert Bruininks; Vice Presidents Kathleen O'Brien and Richard Pfutzenreuter; and Executive Director Ann Cieslak.

A motion was made and seconded that the following resolution be approved:

WHEREAS, the Board of Regents wishes to develop or consider offers or counteroffers for the purchase of real property, including easements, in the East Gateway District. This real property is as follows:

- Property at approximately 7th Street SE and Oak Street SE
- Property at 520-25th Avenue SE
- Spur track easement north of the Intercampus Transitway between 23rd Avenue SE and point 20 feet east of 25th Avenues SE
- Spur track easements at 800 - 23rd Avenue SE
- Driveway easements at 800 - 23rd Avenue SE
- Spur track easements at 601 - 25th Avenue SE
- Driveway easements at 601 - 25th Avenue SE

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Minnesota Statutes Sections 13D.01, subdivision 3, and 13D.05, subdivision 3(c)(3), a non-public meeting of the Board of Regents be held on Tuesday, April 10, 2007, at approximately 9:30 a.m. in the Boardroom, 600 McNamara Alumni Center, for the purpose of developing or considering offers or counteroffers for the purchase of the real property described above.

Vice Chair Simmons called for a roll call vote. The votes were cast as follows:

Regent Allen	Yes
Regent Bohnsack	Yes
Regent Cohen	Yes
Regent Hunter	Yes
Regent Johnson	Yes
Regent Larson	Yes
Regent Metzen	Yes
Regent Simmons	Yes

The Board of Regents voted unanimously to approve the resolution.

The public portion of the meeting adjourned at 9:33 a.m. and the Board convened a non-public session.

Others present for the non-public session: William Donohue, Kenneth Larson, Caroline Middleton, Brian Slovut, and Susan Weinberg,

The non-public session portion adjourned at 10:04 a.m. and the Board reconvened in public session.

REAL ESTATE TRANSACTIONS

Regent Simmons introduced Vice President O'Brien and Associate General Counsel Donohue to present the item.

- A. Acquisition by Eminent Domain of Easement Interests in Approximately 11 Acres Generally Located North of University Avenue S.E. Between 23rd Avenue S.E. as Extended and 25th Avenue S.E. as Extended, East Gateway District, Twin Cities Campus.

Donohue reported that there is a public purpose and need for the University to construct, as soon as possible, surface parking facilities in the East Gateway District for the use of students, staff, visitors, and other members of the University community, to replace the surface parking facilities lost due to the construction of TCF Bank Stadium and to serve the long term parking and academic needs of the University.

Donohue noted that the proposed action initiates condemnation of 11 different easements in the East Gateway District (District), Twin Cities campus for the purpose of surface parking facilities and rights of way to access the parking. The District is a 75-acre parcel of land north and east of the Minneapolis portion of the Twin Cities campus. He indicated that two resolutions (Action I and Action II) would be presented for action.

Donohue described the involved land parcels as detailed in the docket materials and in revised materials on file in the Board Office. Through Action I the administration is proposing to extinguish easements on a number of parcels (A, B, C, D, and E) for which the University owns fee title and to acquire easements for ingress and egress to parcels (F, G, and H) owned by others.

Through Action II the administration is proposing the use of eminent domain to extinguish easements on a number of parcels (I, J, and K) for which the University owns fee title. (These properties currently have rail lines on them.)

O'Brien reported that the requested actions are necessary for the continued operation of the Twin Cities campus and the development of the District. O'Brien stated that the District will house the TCF Bank Stadium, bioscience research facilities, and other campus buildings.

O'Brien indicated that surface parking provides affordable parking to students, staff, faculty, and visitors to the campus. She noted that while it is necessary for the University to replace parking lost by construction in the District, the University also continues to pursue the use of alternative transit means.

A motion was made and seconded to approve the following resolution:

RESOLUTION RELATED TO ACQUISITION OF PROPERTY IN THE EAST GATEWAY DISTRICT BY EMINENT DOMAIN (ACTION I)

WHEREAS, the Board of Regents is empowered to acquire property using eminent domain pursuant to Minn. Stat. § 137.02, subd. 3;

WHEREAS, construction of TCF Football Stadium is displacing surface parking facilities used on a daily basis by students, staff, visitors, and other members of the University community in the East Gateway District;

WHEREAS, there is an immediate need to begin construction to replace the displaced parking facilities because the parking facilities will be lost on or about July 1, 2007;

WHEREAS, the University has developed a plan to replace the displaced parking facilities; and

WHEREAS, the use of eminent domain is necessary because the University has been unable to acquire by voluntary transactions all of the easement interests needed to implement the plan to provide replacement parking and access to the replacement parking.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:

1. There is a public purpose and need for the University to construct as soon as possible surface parking facilities in the East Gateway District for the use of students, staff, visitors, and other members of the University community, to replace the surface parking facilities lost due to the construction of TCF Football Stadium.
2. The acquisition of easements burdening the University property that is the site of the replacement parking facilities and access routes and the acquisition of ingress and egress easements are necessary for the University to construct the needed surface parking facilities and to provide the necessary access to the parking.
3. It is necessary to use the "quick take" procedures of Minnesota Statutes Section 117.042 because there is an immediate need to begin construction to replace the parking that has been already lost and that will be lost on or about July 1, 2007.
4. The appropriate administrative officers are authorized to commence eminent domain proceedings pursuant to Minnesota law, for the purpose of acquiring (and thereby extinguishing) all easements owned by other entities in the areas described in Exhibits A (Parcel A), B (Parcel B), C (Parcel C), D (Parcel D), and E (Parcel E) and for the purpose of acquiring easements for ingress and egress in the areas described in Exhibits F (Parcel F), G (Parcel G), and H (Parcel H). All exhibits are on file in the Board Office.
5. The appropriate administrative officers are also authorized to use the "quick take" procedure of Minnesota Statutes Section 117.042 to take immediate title and possession of the above-described easements.

Vice Chair Simmons called for a roll call vote. The votes were cast as follows:

Regent Allen	Yes
Regent Bohnsack	Yes
Regent Cohen	Yes
Regent Hunter	Yes
Regent Johnson	Yes
Regent Larson	Yes
Regent Metzen	Yes
Regent Simmons	Yes

The Board of Regents voted unanimously to approve the resolution.

A motion was made and seconded to approve the following resolution:

**RESOLUTION RELATED TO ACQUISITION
OF PROPERTY IN THE EAST GATEWAY DISTRICT
BY EMINENT DOMAIN (ACTION II)**

WHEREAS, the Board of Regents is empowered to acquire property using eminent domain pursuant to Minn. Stat. § 137.02, subd. 3;

WHEREAS, construction of TCF Football Stadium is displacing surface parking facilities used on a daily basis by students, staff, visitors, and other members of the University community in the East Gateway District;

WHEREAS, there is an immediate need to begin construction to replace the displaced parking facilities because the parking facilities will be lost on or about July 1, 2007;

WHEREAS, the University has developed a plan to replace the displaced parking facilities; and

WHEREAS, the use of eminent domain is necessary because the University has been unable to acquire by voluntary transactions all of the easement interests needed to implement the plan to provide replacement parking and access to the replacement parking.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:

1. There is a public purpose and need for the University to construct as soon as possible surface parking facilities in the East Gateway District for the use of students, staff, visitors, and other members of the University community, to replace the surface parking facilities lost due to the construction of TCF Football Stadium.
2. The acquisition of easements burdening the University property that is the site of the replacement parking facilities and access routes is necessary for the University to construct the needed surface parking facilities and to provide the necessary access to the parking.
3. It is necessary to use the "quick take" procedures of Minnesota Statutes Section 117.042 because there is an immediate need to begin construction to replace the parking that has been already lost and that will be lost on or about July 1, 2007.
4. The appropriate administrative officers are authorized to commence eminent domain proceedings pursuant to Minnesota law, for the purpose of acquiring (and thereby extinguishing) all easements owned by other entities in the areas described in Exhibit A (Parcel I), Exhibit B (Parcel J), and Exhibit C (Parcel K). All exhibits are on file in the Board Office.
5. The appropriate administrative officers are also authorized to use the "quick take" procedure of Minnesota Statutes Section 117.042 to take immediate title and possession of the above-described easements.

Vice Chair Simmons called for a roll call vote. The votes were cast as follows:

Regent Allen	Yes
Regent Bohnsack	Yes
Regent Cohen	Yes
Regent Hunter	Yes
Regent Johnson	Yes
Regent Larson	Yes
Regent Metzen	Yes
Regent Simmons	Yes

The Board of Regents voted unanimously to approve the resolution.

REPORT OF THE ALL-UNIVERSITY HONORS COMMITTEE

Chair Simmons noted that the Report of the All-University Honors Committee was forwarded to the Board from President Bruininks on April 4, 2007.

A motion was made and seconded, and the Board of Regents voted unanimously to approve the Report of the All-University Honors Committee. A copy of the report is on file in the Board Office.

The meeting adjourned at 10:25 a.m.



**ANN D. CIESLAK
Executive Director and
Corporate Secretary**