

SUBPART 4-3
ACQUISITION AND LEASE OF REAL ESTATE BY THE UNIVERSITY

Sec. 4-301. Acquisition of Real Estate by the University. All acquisitions of real estate by the University, whether by purchase, gift or other form of acquisition, shall be subject to the approval of the Board.

Sec. 4-302. Certain Agreements Regarding Real Estate. Notwithstanding Section 4-301 above, the President or Vice President for Administration and Finance is authorized to enter into the following types of agreements regarding real estate on behalf of the University:

(1) An option to purchase real estate where (a) the option may be exercised only after the approval of the Board has been obtained; and (b) the consideration agreed to be paid by the University for the option does not exceed \$10,000;

(2) An exclusive dealings agreement where (a) the University and the seller agree to exclusively deal with each other for a period of time regarding the purchase and sale of real estate; and (b) any monetary consideration to be paid by the University for the right of exclusive dealing does not exceed \$10,000;

(3) A purchase and sale agreement for real estate where (a) there is a requirement for the performance of an environmental audit in accordance with Section 4-305 of this Subpart; (b) the University's obligation to consummate the purchase of the real estate is specifically made contingent upon Board approval; and (c) any earnest money or other non-refundable deposit paid by the University does not exceed \$10,000.

Sec. 4-303. Lease of Real Estate by the University. All leases of real estate by the University for a consideration in excess of \$100,000 shall require approval of the Board. The President or Vice President for Administration and Finance is authorized to enter into leases of real property for a consideration up to \$100,000.

Sec. 4-304. Legal Review of Acquisitions and Leases of Real Estate by the University. All option agreements, exclusive dealing agreements, purchase and sale agreements, and leases involving real estate to be entered into by the University must be reviewed by the University General Counsel's office or the Board Counsel prior to execution.

Sec. 4-305. Environmental Audit. It is the policy of the University to fully comply with all federal and State laws pertaining to environmental contamination. It is also the policy of the University that before real estate is acquired, either by purchase, gift, bequest, or otherwise, an environmental audit be performed.

Sec. 4-306. Easement Agreements. The President of Ferris State University or the Vice President for Administration and Finance for Ferris State University are authorized to enter into utility related easement agreements for Board of Trustee approved capital projects. Other real estate easements require prior approval by the Board of Trustees before the President of

Ferris State University or the Vice President of Administration and Finance for Ferris State University may enter into such agreements.

Sec. 4-307. Other Real Estate Matters. The President of Ferris State University or the Vice President for Administration and Finance for Ferris State University are authorized to approve other real estate matters, unless such authority is retained by the Board of Trustees elsewhere in this Subpart 4-3. Prior to the President of Ferris State University or the Vice President for Administration and Finance taking action under this Sec., the President or his/her designee will consult with the Chair of the Board of Trustees. Should the Chair of the Board wish the matter to be brought before the full Board of Trustees, the matter will be prepared for Board consideration and action.

Cross-Reference:

Business Policy, *Acquisition and Lease of Real Estate by the University*

Prior Board Action:

October, 1998.

October, 2004.

Entire Subpart 4-3 included in October 19, 2001 Codification, Phase I.

Entire Subpart 4-3 included in October 22, 2004 Codification, Phase II.

Sec. 4-306 was added on October 5, 2018.

Sec. 4-307 was added on February 22, 2019.