

# Authority to Negotiate, Approve, and Execute Real Property Easements and Rights of Way

(Delegation of Authority SCDA-RE2117.01)

## I. Delegation Summary

**Delegated To:** Vice Chancellor--Business and Administrative Services

**Delegated By:** Chancellor

**Effective Date:** September 22, 2008

**Scope of Delegation:** This delegation provides authority to negotiate, approve, and execute (sign) real property easements and rights of way for campus real property on behalf of The Regents of the University of California subject to restrictions and exceptions outlined in Section II.B.

## II. Detailed Delegation

### A. Detailed Delegation Statement

Effective immediately, the Vice Chancellor--Business and Administrative Services is authorized to negotiate, approve, and execute easements and rights of way for campus real property when such contracts:

1. are (i) revocable on not more than 120 days' notice, or (ii) provide utility services to the campus exclusively, regardless of revocability, or (iii) comprise less than 1,000 square feet of campus land;
2. are not conveyances of a fee interest in real property;
3. 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; and
4. are written on a University Standard Form without significant modification or on a form that has been approved by the General Counsel.

### B. Restrictions/Exceptions

Real property easements and rights of way that do not meet the conditions listed in II.A.1 to II.A.4 must be submitted to the President, the President and the Chairman of the Board, or The Regents for approval and execution, in accordance with the Standing Orders of The Regents.

### C. Authority to Redelegate

This authority may not be further redelegated.

### D. Definitions

**Real Property Easement:** The grant of an easement permits one party to use the real property of the other party for a specified purpose. An easement also conveys to the holder an interest in real property which is usually non-revocable and encumbers the record title. Easements generally do not convey complete or exclusive control over the property.

## III. "Supersedes" Notification

This delegation supersedes the Delegation of Authority letter issued on May 13, 1992 to Vice Chancellor - Business and Administrative Services on this same subject.

## IV. Getting Help

The campus Real Estate Office can respond to questions about this delegation of authority.

If you need help with ...	Contact ...
interpreting this delegation	Director, Real Estate Office, x9-5379 or Analyst, Real Estate Office, x9-1840

## V. Authority/References

Authority to make this delegation is documented as follows:

UCOP Delegation DA2117, Negotiation, Approval, and Execution of Real Property Easements and Rights of Way, President to Chancellors, et al., April 5, 2000.

Authority to Approve and Execute Real Estate Transactions for University-Related Purposes ([http://www.ucop.edu/facil/resg/documents/authority\\_real\\_estate.pdf](http://www.ucop.edu/facil/resg/documents/authority_real_estate.pdf))

### *References*

Bylaws and Standing Orders of the Regents of the University of California:

Bylaw No. 21.3, Duties of the Secretary

Standing Order No. 100.4, Duties of the President

University of California Lease Administration Manual

UCOP Delegation DA2162, Delegation of Authority for Negotiation, Approval, and Execution of Licenses, Easements, and Rights-of-Way, President to Vice President for Budget, April 20, 2006.

*Related Delegations of Authority*

UCOP Delegation DA2140 – Negotiation, Approval, and Execution of University-Related Real Property Rental Agreements (Leases), President to Chancellors, et al., November 3, 2003

UCOP Delegation DA2118 – Negotiation, Approval, and Execution of Licenses for Use of Real Property, President to Chancellors, et al., April 5, 2000.

SCDABUS0003, Authority to Negotiate and Execute Certain Business Contracts and Agreements, Chancellor to Vice Chancellors, July 1, 1997.

## **VI. Copies**

*The following individuals/offices were provided copies of this delegation*

### **UCOP**

Universitywide Policy Office  
General Counsel and Vice President for Legal Affairs  
Assistant Vice-President, Facilities Administration

### **UCSC**

Campus Controller  
Director, Internal Audit  
Policy Coordination