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Committee Meeting: 8/13/2008

John W. Barnhill, Jr., Chairman
Paul Foster
Printice L. Gary
Colleen McHugh

Board Meeting: 8/14/2008
Austin, Texas

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| Convene | 2:30 p.m. <i>Chairman Barnhill</i> | | |
| 1. U. T. Arlington: Authorization to accept a gift of 0.5969 of an acre located at 841 West Mitchell Street, Arlington, Texas, and described as Lot 24 A-R, Block 6, College Hills Addition, Arlington, Tarrant County, Texas, from The University of Texas at Arlington Alumni Association, a Texas nonprofit corporation; authorization to lease back the land to the Alumni Association as the site for the alumni center operated by the Alumni Association; and finding of public purpose | 2:30 p.m. Action <i>President Spaniolo Ms. Mayne</i> | Action | 192 |
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| Adjourn | 4:00 p.m. | | |

1. **U. T. Arlington: Authorization to accept a gift of 0.5969 of an acre located at 841 West Mitchell Street, Arlington, Texas, and described as Lot 24 A-R, Block 6, College Hills Addition, Arlington, Tarrant County, Texas, from The University of Texas at Arlington Alumni Association, a Texas nonprofit corporation; authorization to lease back the land to the Alumni Association as the site for the alumni center operated by the Alumni Association; and finding of public purpose**

RECOMMENDATION

The Chancellor ad interim concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and President Spaniolo that authorization be granted by the U. T. System Board of Regents, on behalf of U. T. Arlington, to

- a. accept a gift of 0.5969 of an acre located at 841 West Mitchell Street, Arlington, Texas, and described as Lot 24 A-R, Block 6, College Hills Addition, Arlington, Tarrant County, Texas, from The University of Texas at Arlington Alumni Association, a Texas nonprofit corporation (the Alumni Association);
- b. lease back the land to the Alumni Association as the site for the alumni center operated by the Alumni Association;
- c. determine that the lease of the land to the Alumni Association for the stated reason serves a public purpose appropriate to the function of U. T. Arlington, and that the consideration to the U. T. System and U. T. Arlington for the lease of the land is adequate; and
- d. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary or advisable to carry out the purpose and intent of the foregoing recommendations.

BACKGROUND INFORMATION

U. T. Arlington proposes to accept a gift of 0.5969 of an acre of land from the Alumni Association and lease back the land to the Alumni Association for the continued operation of its alumni center, which is located on the parcel. The alumni center consists of a single-story office building containing approximately 5,800 square feet, and related site improvements. The center will not be conveyed to U. T. Arlington at the present, but at the lease termination, U. T. Arlington can elect to accept title to the building or to

require the Alumni Association to demolish the building. The mission of the Alumni Association is to establish and promote lasting, supportive relationships among students, alumni, U. T. Arlington, and the community.

The tract is located adjacent to the U. T. Arlington campus and therefore is a prudent land acquisition for the campus. There are other parcels of university-owned land bordering the property that are in use as open space, surface parking, and university housing.

U. T. Arlington proposes to lease back the 0.5969 of an acre of gifted land, upon which the Alumni Association building is located, to the Alumni Association for 50 years, with two options to renew for 10 years each, for a nominal rental of \$100 per year, in recognition of the gift of land, valued at \$117,000, and the Alumni Association's direct support of U. T. Arlington's mission. The ground lease will limit the uses of the property by the Alumni Association to only those uses related to the purposes of its mission and that of U. T. Arlington.

A Memorandum of Understanding dated October 1, 2007, between U. T. Arlington and the Alumni Association provides that U. T. Arlington will pay the costs of utilities, building maintenance, and custodial services through September 30, 2009, in consideration of the contributions of the Alumni Association to the development and maintenance of U. T. Arlington's educational programs, and the subleases of space at a below-market rate to U. T. Arlington's Development Office. After September 30, 2009, the Alumni Association will be responsible for the cost of all facility operating expenses.

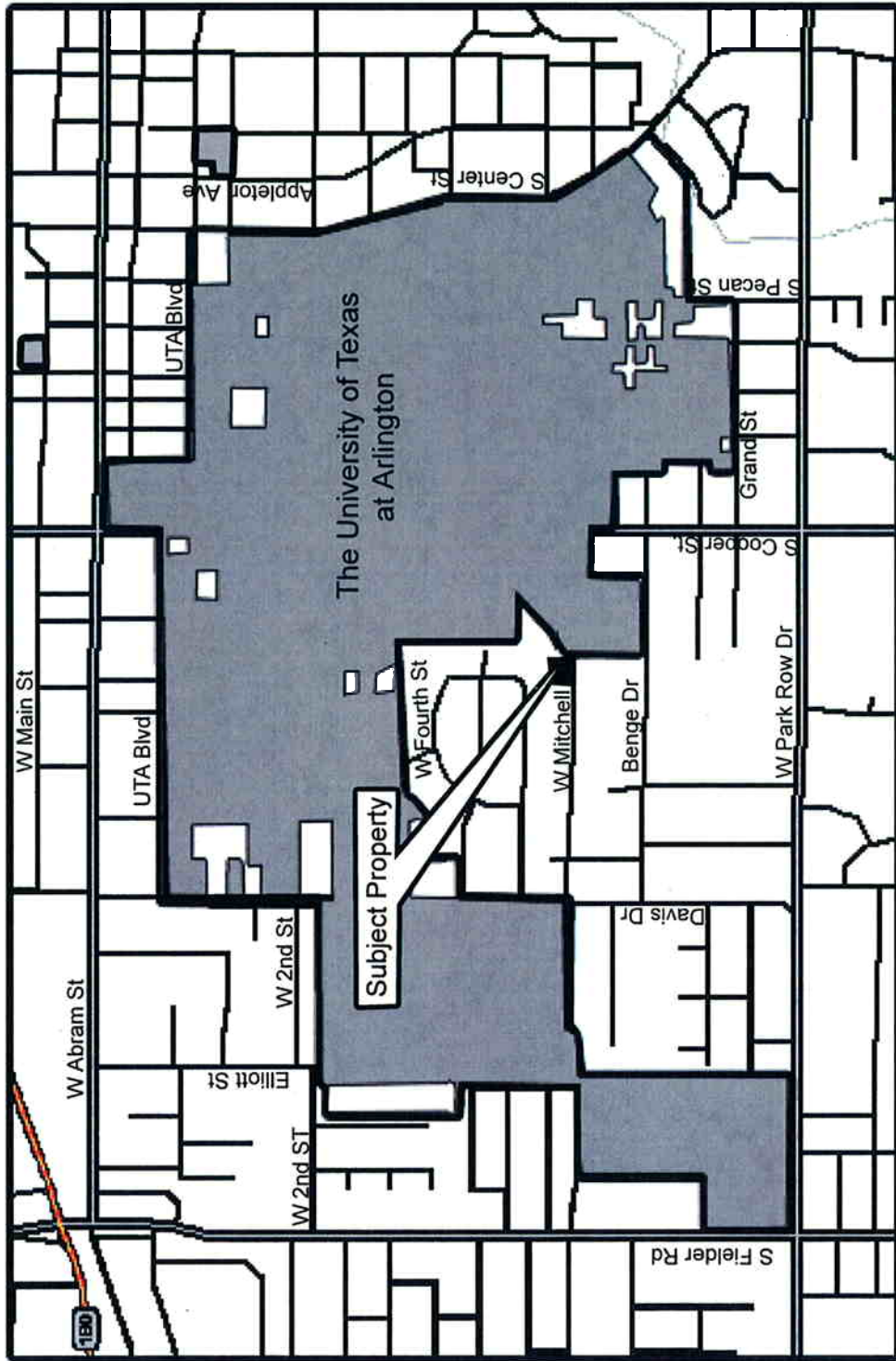
The Attorney General of the State of Texas has advised in Opinion No. MW-373 (1981) that, for the use of university property at a below-market rental to comply with the Texas Constitution, three requirements must be met: (1) the use of the property must serve a public purpose, appropriate to the function of the university, (2) adequate consideration must be received by the university, and (3) the university must maintain controls over the user's activities to ensure that the public purpose is achieved.

U. T. Arlington has determined that the lease to the Alumni Association meets the requirements in the following manner: the property will continue to serve as an alumni center, encouraging development efforts benefiting the institution, providing scholarships to students attending U. T. Arlington, and increasing the awareness and good will of the institution's alumni toward the institution. The consideration to U. T. Arlington, in addition to the continued use of the property as an alumni center to benefit U. T. Arlington, is the Alumni Association's gift of land, appraised at \$117,000. Finally, the ground lease will contain controls making a change in use an event of default that would permit U. T. Arlington to impose market rent.

The terms and conditions of the ground lease are reflected in the transaction summary on the following page.

Transaction Summary

| | |
|----------------------|---|
| Institution: | U. T. Arlington |
| Type of Transaction: | Ground lease |
| Total Land Area: | Approximately 0.5969 of an acre |
| Location: | 841 West Mitchell Street, Arlington, Tarrant County, Texas; see map on the following page |
| Tenant: | The University of Texas at Arlington Alumni Association, a Texas nonprofit corporation |
| Consideration: | \$100 per year for the duration of the lease term and the appraised value of the land (\$117,000); in an event of default, U. T. Arlington may impose market rent |
| Appraised Value: | \$117,000, land only (James S. Hanes, MAI, Hanes Appraisal Company, April 7, 2008) |
| Lease Term: | 50 years, with two options to renew, each for 10-year terms, provided that the property is then in use as an alumni center |
| Intended Use: | Headquarters and alumni center of The University of Texas at Arlington Alumni Association, and uses pertaining to the mission of U. T. Arlington |



2. U. T. Arlington: Approval of acceptance of gift of outdoor art

RECOMMENDATION

The Chancellor ad interim concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Vice Chancellor for External Relations, and President Spaniolo that the U. T. System Board of Regents approve the acceptance of a gift of a Chi Epsilon Monument and its installation on the campus of The University of Texas at Arlington. The request is in accordance with Regents' *Rules and Regulations*, Rule 60101, Section 3.1 regarding outdoor works of art.

Supplemental Materials: Photo of outdoor art sculpture on Page 106 of Volume 2.

BACKGROUND INFORMATION

U. T. Arlington has received a gift of an outdoor art sculpture from the national chapter of the Chi Epsilon National Honor Society. Established in 1922, Chi Epsilon is the national honor society for civil engineering. Currently, there are 123 active chapters at major universities throughout the United States, serving a total of 101,861 members. The national headquarters is currently located on the campus of U. T. Arlington. The government of Chi Epsilon is administered through delegations of student members acting through the National Council. Dedicated to the purpose of maintaining and promoting the status of civil engineering as an ideal profession, Chi Epsilon was organized to recognize the characteristics of the individual civil engineer deemed to be fundamental to the successful pursuit of an engineering career, and to aid in the development of those characteristics in the civil engineering student.

The Chi Epsilon chapter at U. T. Arlington was founded in 1969. Since its inception, the chapter has inducted over 600 undergraduate and graduate members. Members are selected to join Chi Epsilon based on four main demonstrated traits: scholarship, character, practicality, and sociability.

The official emblem of Chi Epsilon is a key that represents the full front view of a surveyor's transit. The jewel represents the objective of the transit, the hole is the eye piece, the notches on the sides are leveling screws, and the stem represents the tripod. Many chapters across the country have erected a symbolic monument on their campuses to represent the Chi Epsilon key, and thereby have a visual reminder of the values representing Chi Epsilon. The installation on the campus would also recognize the existence of the national headquarters of Chi Epsilon at U. T. Arlington.

The proposed monument will consist of a 2-foot, 6-inch tall concrete and brick pedestal, and a 3-foot tall bronze Chi Epsilon key. The proposed monument will be similar to, and will be located in the vicinity of, the existing Tau Beta Pi (the National Engineering

Honor Society) monument located on the pedestrian walkway between Nedderman and Woolf Halls. The U. T. Arlington chapter has already produced design drawings for the proposed monument, and has raised funds for its construction.

The proposed monument is in conformation with the U. T. Arlington Campus Master Plan recommendation to place more art and/or sculpture pieces on the campus to create a richer, more traditional campus setting.

The installation cost for the proposed monument is estimated at \$2,250. The amount has already been raised through contributions from the U. T. Arlington Facilities Management Office, faculty members, alumni, and other fund-raising activities. Chi Epsilon will be providing the key for the monument, acquired through other gifts and contributions to the organization. The key requires minimal maintenance with no expense for upkeep. The student Chi Epsilon initiates will polish the key each long semester as part of their initiation.

3. U. T. Austin: Approval of acceptance of gift of outdoor art

RECOMMENDATION

The Chancellor ad interim concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Vice Chancellor for External Relations, and President Powers that the U. T. System Board of Regents approve acceptance of a gift of an Olmec Head sculpture and its installation on the campus of The University of Texas at Austin. The request is in accordance with Regents' *Rules and Regulations*, Rule 60101, Section 3.1 regarding outdoor works of art.

Supplemental Materials: Photos of outdoor art sculpture on Pages 107 – 108 of Volume 2.

BACKGROUND INFORMATION

The Universidad Veracruzana, located in Xalapa, Veracruz, has offered to give U. T. Austin a gift of a sculpture. The sculpture is a replica of a colossal Olmec head, one of only nine original works still in existence.

The Gulf Coast Olmec culture was a pre-Columbian civilization in Mexico that flourished from 1200-400 B.C.E., in what now are the Mexican states of Veracruz and Tabasco. It was among the very earliest of the great Mesoamerican civilizations and greatly influenced later, better known cultures, such as the Maya and the Aztec. Today, the Olmecs are perhaps most widely recognized for the giant heads thought to portray important Olmec rulers, sculpted from single blocks of basalt.

The proposed gift is a copy of Colossal Head #1, originally found at the archaeological site of San Lorenzo in the State of Veracruz. The sculptor, Mr. Ignacio Pirez Solano, created the work from locally quarried stone. Mr. Solano undertook the project several years ago at the behest of then-Governor of Veracruz Miguel Aleman Velasco, who sought to create greater awareness of Olmec culture beyond the boundaries of his native state. The sculpture, valued at \$45,000, weighs 18 tons and measures approximately 10 feet high x 7 feet wide x 5 feet deep. The Olmec Head will require minimal maintenance as it is made of solid stone and is able to withstand all weather conditions. The estimate for shipping from Xalapa to Austin, including customs fees at the border, is approximately \$8,000, to be covered from local and indirect cost return funds.

If approved, the donated sculpture will be installed in front of a breezeway between the Nettie Lee Benson Latin American Collection and the Center for American History, directly next to the Sid Richardson Hall parking lots. The space will allow for easy access by the public, including those with physical disabilities. It is also a location that is a natural entry point to the Teresa Lozano Long Institute of Latin American Studies and the Benson Latin American Collection for scholars and other visitors and would serve as a logical signpost to these facilities.

Acceptance of the gift will strengthen the University's longstanding tradition of cultivating ties with counterpart universities in Mexico. The Universidad Veracruzana is one of the most prestigious public universities in Mexico, with a student body of 70,000 enrolled in more than 20 campuses throughout the State of Veracruz.

Installation of this Olmec Head statue on the U. T. Austin campus will provide wider opportunities to learn about and interact with an iconic representation of Mexican culture in a tangible, direct way. Mesoamerican experts at U. T. Austin have expressed great enthusiasm for the project.

4. U. T. System: Discussions on academic leadership matters - importance of teaching and its evaluation

PURPOSE

Executive Vice Chancellor Prior will lead a presidential discussion and engagement with the Regents on topics related to the importance of teaching and its evaluation.