

*loan copy*

*July 17  
Meeting  
folder*

OHIO UNIVERSITY  
ATHENS, OHIO 45701

BOARD OF TRUSTEES

September 15, 1972

To: Senior Administrators; Archives  
From: Robert E. Mahn, Secretary, Board of Trustees  
Subject: Board Minutes of July 17, 1972

Attached for your files is a copy (two for the Archives) of the approved and signed minutes of the July 17, 1972 meeting of the Board.

*Robert E. Mahn*  
Robert E. Mahn  
Secretary

REM:ed

July 17 Meeting Folder

OHIO UNIVERSITY  
ATHENS, OHIO 45701

BOARD OF TRUSTEES

July 21, 1972

To: Senior Administrators  
From: Robert E. Mahn, Secretary  
Subject: Draft of Trustee Minutes of July 17, 1972

Please check the accuracy of the minutes and  
return with corrections and suggestions for improvements  
on Tuesday, July 25.

Robert E. Mahn

REM:ed

MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES OF OHIO UNIVERSITY

2:00 P.M., Monday, July 17, 1972  
Athletic Club, Columbus, Ohio

I. Roll Call

The meeting was called to order by Chairman Kennedy. Roll call showed six of the eight members present (the vacancy created by the resignation of Wayne E. Brown remains to be filled). This constituted a quorum.

Members present were Duncan M. Baxter, Charles E. Holzer, Jr., Fred H. Johnson, William L. Kircher, Edwin L. Kennedy, and William R. Morris. Mrs. J. Wallace Phillips and C. Paul Stocker were out of the country and unable to attend. Also present were President Claude R. Sowle and Secretary Robert E. Mahn. Vice President for University Relations Martin L. Hecht and Vice President for Administrative Services W. Charles Culp were present to give reports. Wallace J. Hodes was present as President of the Ohio University Alumni Association.

II. Action on Minutes of Meeting of May 23, 1972

The motion by Mr. Morris, with second by Dr. Holzer, to approve the minutes of May 23, 1972, as distributed, was adopted unanimously.

III. Communications, Petitions, and Memorials

A. Welcome of William L. Kircher to Membership on the Board

Chairman Kennedy welcomed Mr. Kircher to the Board, stating that he brought years of extensive experience that would prove helpful to the Board, and that the Board would utilize fully this experience. (Mr. Kircher took office on June 9, 1972 after being appointed by Governor John J. Gilligan for a term beginning May 14, 1972, and ending at the close of business on May 13, 1981, succeeding Don M. Casto, whose term expired. A copy of the letter of appointment appears as Attachment 1. A copy of the oath of office appears as Attachment 2.)

B. Welcome of Wallace J. Hodes as Alumni Representative to the Board

Chairman Kennedy extended a welcome to Mr. Hodes as observer-representative of the Alumni, stating that no matter what the pressures of his business and profession, Mr. Hodes always had time for the University, and that he would never cease to be a dedicated alumnus.

#### IV. Reports of President and Other Senior Administrative Officers

##### A. President Sowle

President Sowle stated that he would consider materials sent to Board members since the last meeting to constitute his report. He introduced Vice President Culp for his report.

##### B. Vice President Culp

###### 1. Planned Use of Capital Improvement Funds Provided by Senate Bill 457 for Utilities and Renovations

Mr. Culp had distributed a report with the Agenda. This appears as Attachment 3.

#### V. Reports of Committees and Officers

##### A. Report by Immediate Past Chairman, Duncan Baxter, on his Recent Official Visit to the Pacific and East Asia

Mr. Baxter was accompanied by Dr. Norman Parmer, Assistant Dean of Faculties for International Studies. One of the main purposes of the trip was to visit Saigon and participate in meetings and ceremonies relating to the formal termination of the University's project there.

Mr. Baxter prefaced his report with an expression of appreciation for the magnificent cooperation extended him during his chairmanship. He complimented the University administration for its effectiveness and stated that we have an institution that is healthy and strong. The last meeting of his two terms, the May 23 meeting, was the only meeting he missed. It was that day that he arrived in Saigon. A warmth of feeling and a desire for continued cooperation was experienced.

The itinerary included a stop at Bangkok, and at Kuala Lumpur, where we have a connection with the Mara Institute. There were meetings with alumni and with heads of governments, who had a real awareness of the University effort and a hope that it would continue.

Mr. Baxter asked that the record reflect his view that our effort has been highly useful, his recommendation for a continued relationship, and his view that we may be able to bring useful programs to other parts of the world.

July 17, 1972

Chairman Kennedy referred to a July 26 informal meeting President Sowle has arranged for Mr. Baxter and Dean Parmer to discuss with senior administrators and overseas projects personnel their trip and the future of Ohio University's involvement in foreign projects. He asked Mr. Baxter to convey to current and past foreign program personnel the thanks and gratitude of the Board for what they had done. He stated his view that there was no other activity in which the University could engage with as great a catalytic and compounding effect as in our foreign programs. Mr. Baxter expressed appreciation for the opportunity to represent the University on this mission.

VI. Unfinished Business

A. Recognition for Mr. Baxter

President Sowle stated that he wished to do what he would have done at the May 23 meeting if Mr. Baxter had been present--to say to the Board and to the public that Mr. Baxter had been a superb chairman; that he never refused a call involving the welfare of the University. He expressed the hope that the Board would draft an appropriate resolution of appreciation for presentation at the next meeting.

Mr. Morris moved approval of the following resolution:

Resolution 1972 - 26

RESOLVED that President Claude R. Sowle be directed to have prepared an appropriate resolution to be presented to Duncan M. Baxter in recognition of his outstanding service during his two terms as chairman of the Board.

RESOLVED, further, that this resolution be presented at the meeting of the Board on September 12, 1972.

Dr. Holzer seconded the motion, which was unanimously approved.

VII. New Business

A. East State Street Lease Proposal--  
Resolution 1972 - 27

Chairman Morris of the Budget, Finance and Physical Plant Committee



stated that over the last two years the Committee had spent hundreds of hours on this matter. The interests of the University and the entire community have been the concern of the Committee. The new law, whose implementation has had no test, has added to the time required. There have been consultations with representatives of Public Works and the Attorney General, and meetings with serious bidders. Of overriding concern has been the desire to be open and impartial in all respects. Aesthetics and mercantile values have been considered. Income projections represent minimums. It is with the thought that all considerations have been applied, that the Committee presents its resolution. Mr. Morris moved adoption of the resolution which appears on page 12. Dr. Holzer seconded the motion.

Mr. Johnson verified that forty-two acres were being presently withheld from lease for the future benefit of the University. President Sowle reminded members that the proposal, if approved, would go to Public Works for drafting of contracts, then again to the Board for final approval.

On roll call, the following votes were cast:

|         |     |
|---------|-----|
| Morris  | Yes |
| Johnson | Yes |
| Kircher | Yes |
| Holzer  | Yes |
| Baxter  | Yes |
| Kennedy | Yes |

The resolution was declared unanimously approved.

Chairman Kennedy stated for the record that the tremendous amount of work done by the Committee in the face of competitive proposals had been directed at what is best for Ohio University in the long run. In addition to the immediate revenue aspects of the proposal, other features are the retention of part of the property for appreciation as part of the tract is developed, and the maintenance of tight controls over the future development of the property for the future benefit of the University and community.

Mr. Morris stated that the Committee could not have accomplished its mission without the help of Mr. Hecht, who maintained rapport with Public Works, kept cool in a highly competitive situation, and resisted pressures.

Chairman Kennedy expressed the Board's gratitude for the Committee's proposal, which has such great significance for the future of the University.

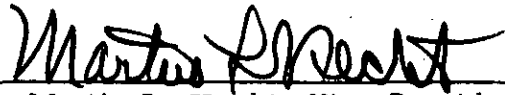
The full documentation on the Lease Proposal follows: (1) Cover memorandum, (2) Lease Proposal Activity (Chronology), (3) Proposed Resolution (Resolution 1972 - 27) and (4) Justification for Resolution.

JUN 26 1972

REPORT  
EAST STATE STREET LEASE PROPOSALS  
JUNE 26, 1972

This report is submitted in three sections. The first section provides a chronology of lease proposal activity in brief statements from May, 1970, through December, 1971, and in more detailed form from January, 1972, through June 9, 1972. The second section is a proposed resolution approved by the Board's Budget, Finance and Physical Plant Committee. The third section is a justification for the resolution.

Documents to support the statements are on file in the office of the Vice President for University Relations who is coordinating the lease proposal activity for the University.

  
Martin L. Hecht, Vice President  
for University Relations

LEASE PROPOSAL ACTIVITY

May 29, 1970

Board resolution passed declaring the 70.79 acres surplus land and requesting University officials to advertise for leasing.

June 18, 1970

Advertisement copy and procedures for submitting proposals approved by University counsel, Mr. Erle Bridgewater, Jr. University advertised.

November, 1970

Board Committee rejected the three proposals received (Gill, Jones and Petropoulos) due to wording of advertisement and incomplete information regarding principals involved in each proposal.

November 25, 1970

Public Works stated, "We do not believe it is necessary for us to review all of your proposals. It would seem there is enough to review and approve after the University has selected the developer that serves its best interests."

December 7, 1970

Board requested University to readvertise and to ask Mr. Bridgewater to firm up advertising copy and procedures and to obtain Public Works' approval of copy and procedures.

December 15, 1970

Board Committee and Public Works approved Mr. Bridgewater's advertising copy and procedures.



December 20, 1970 University readvertised.

February 5, 1971 President and Senior Administrators recommended Gill proposal over the Jones and Petropoulos proposals since the Gill proposal was for the development of all three parcels including a complete shopping center on Parcel No. 2 and a motel/office building on Parcel No. 1.

February 22, 1971 Board Committee rejects recommendation and asks University to have Public Works handle bidding process and proposal review.

March, 1971 Meetings with Public Works start.

May 11, 1971 Public Works requests permission to readvertise for proposals.

May 21, 1971 University permission granted for Public Works to re-advertise.

August, 1971 Public Works advertises.

August 27, 1971 University and Public Works receives updated appraisal from Cecil I. Neff, Columbus, of 70.79 acres as requested by Public Works --- no major changes.

November 18, 1971 Public Works transmits six proposals to Ohio University without recommendation.

December 13, 1971

Six proposals submitted to Senior Administrators for a recommendation to President.

Between November, 1971, and June 8, 1972, a total of six proposals were reviewed for leasing of all or part of the three parcels of land. Three proposals known as the Gill proposal, the Skilken proposal and the Big Bear proposal surfaced as worthy of consideration.

On January 10, 1972, the Board Committee requested Public Works to negotiate separate leases with the Gill and Skilken principals and to present them to the Board with firm information regarding motel, supermarket and department store, for final Board review and selection. Public Works responded on February 7, 1972, stating:

"We are not favorably impressed by either proposal, and still believe the proper procedure is to negotiate a lease with each of the bidders who have proposed a specific use for a specific plot. The acreage which cannot be leased for immediate development can be retained for future leasing, or for sale by legislative authority."

The Senior Administrators were presented a report, on April 3, 1972, in memorandum form which compared the Gill, Skilken, Big Bear and Giltz proposals. They concluded that Public Works should employ a consultant to analyze the overages and that the Board of Trustees with its business expertise should decide which is the best proposal. On April 12, 1972, Public Works stated that overages were reasonable; that a consultant would cost \$10,000 and six months' time to come to the same conclusions.

On May 18, 1972, the Gill proposal was deleted due to the lack of firm information from the Gill principals regarding tenants. Although a Gill letter dated May 16, 1972, disclosed a Kroger supermarket and Super-X drug store, it

did not disclose a firm commitment for a department store or motel. This information had been requested over a period of six weeks by Public Works and the University. Also on May 18, 1972, the Skilken and Big Bear principals were asked to join together and present a proposal for the three parcels with the option to exclude Parcel No. 3 but including a first refusal on the future development of Parcel No. 3.

The deleting of the Gill proposal from consideration prompted Kroger to present to Public Works on June 8, 1972, a proposal for leasing of all three parcels at an 8% return on the appraised value for the development of a motel on Parcel No. 1 (Skilken Holiday Inn franchise); a shopping center on Parcel No. 2 including a Kroger supermarket, a Super-X drug store and other shops but without designating a department store or without specifics about overages; and a general statement for the future development of Parcel No. 3.

The Kroger proposal included negotiations with the Skilken principals for the land development and stated:

"It may be that arrangements between Kroger and Mr. Skilken will not be worked out or perhaps not worked out early enough to satisfy the needs and desires of the Board of Trustees of Ohio University who have asked for development proposals. Therefore, we wish to assure you that in the event Mr. Skilken's proposal including Kroger and Super-X as food and drug tenants is not submitted to you early enough to receive favorable trustee action, the Kroger Company will lease from the University the entire three parcels of approximately 67 acres for an annual rental of 8% of the appraised value thereof. We are advised that the appraised value of all these parcels is \$811,500. Therefore, the annual lease payment would be \$65,000.

"It is our understanding that the trustees are seeking an 8% return on the appraised value. In the event, in view of the offers they received, the trustees think that return

is not sufficient, Kroger would like to have the opportunity to further discuss with you the annual lease price."

At the same time, the failure of the Big Bear-Skilken negotiation requested on May 18, 1972, prompted Big Bear to amend its proposal in writing to include with overages the development of a complete shopping center instead of just a supermarket and department store. Skilken also amended its proposal verbally to develop Parcel No. 1 as a motel site without requiring a lease on the remaining parcels.

Both the Kroger proposal and the amended Big Bear proposal were transmitted to the University by Public Works on June 9, 1972, with the following statement:

"It would appear that the Kroger proposal will enable us to achieve the original objectives, namely to promote the best interests of the University in the development of the entire 70.79 acre tract."

This is a reversal, without written documentation, of Public Works' position stated on February 7, 1972.

PROPOSED RESOLUTION

Resolution 1972 - 27

WHEREAS, on May 29, 1970, the Ohio University Board of Trustees declared 70.79 acres of land owned by Ohio University on East State Street, Athens, Ohio, to be surplus land and instructed the Ohio University administrative officers to pursue the leasing of the 70.79 acres with the Director of the Ohio Department of Public Works under Section 123.77 of the Ohio Revised Code, and

WHEREAS, the said officers and director did advertise and receive proposals and did review all proposals from the point of view of the best interests of the University and the community of Athens and submitted their evaluations to the Ohio University Board of Trustees' Budget, Finance and Physical Plant Committee for its consideration and recommendations, and

WHEREAS, this said Committee having reviewed the evaluations from the point of view of the best short-range and long-range financial interests of the University as well as the best interests of the community, has recommended the Skilken proposal for a Holiday Inn and Travel-Park on Parcel No. 1 (12.6 acres) and the Big Bear proposal for a shopping center, consisting of a Big Bear supermarket, a Hart Department store and other retail and service stores, on 16 acres of Parcel No. 2 (28.45 acres), and

WHEREAS, this said Committee further recommended the deferral of the development and leasing of the remaining acreage in Parcel No. 2 (12.45 acres) and all of Parcel No. 3 (29.74 acres) with the stipulation that the Skilken principals be given the first opportunity to present a development plan for leasing of these acres at some future date;

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby approve the above recommendations at not less than the following annual amounts for interim rentals, permanent rentals and overages;

The Skilken Proposal (permanent rental 8% of appraised value)

|                    |         |        |          |
|--------------------|---------|--------|----------|
| Interim Rentals:   | 4.0 AC  | 16 Mo. | \$ 5,000 |
|                    | 8.6 AC  | 24 Mo. | \$ 1,200 |
| Permanent Rentals: | 12.6 AC |        | \$16,000 |

- Overages: 1) 3% over \$360,000 room rents  
 2) 1% over \$200,000 food and beverage sales  
 3) 9% over \$ 50,000 Trav-L-Park rents

The Big Bear Proposal (permanent rental 11.2% of appraised value)

|                   |         |          |
|-------------------|---------|----------|
| Permanent Rental: | 16.0 AC | \$25,000 |
|-------------------|---------|----------|

- Overages: 1) 15% of sub-tenant rentals in excess of \$2.50 per square foot  
 2) 50% of all percentage rent paid by sub-tenants  
 3) 1% gross supermarket sales and 1-1/2% gross department store sales less permanent rental, less 10% cost of buildings and improvements and less real estate taxes and assessments

BE IT FURTHER RESOLVED that the Ohio University Board of Trustees does hereby instruct the administrative officers of Ohio University to transmit this resolution to the Director of the Ohio Department of Public Works with the request that leases and development/construction plans, based upon the above recommendations, be negotiated for final approval by this Board as required in Section 123.77 of the Ohio Revised Code.

JUSTIFICATION FOR RESOLUTION

1. It was concluded by the Board Committee that all the land should not be leased at this time; that the development of a shopping center on 16 acres of Parcel No. 2 and a motel on all of Parcel No. 1 would generate land appreciation for the remaining undeveloped acres and thus financial gain for the University at a future leasing date. This conclusion was expressed by several Board members at the February, 1972, Board meeting and by the Department of Public Works in a letter dated February 7, 1972, although the Department reversed itself on June 9, 1972. In addition, the Board Committee concluded that a third supermarket would be an added competitive advantage to the community of Athens; that the average return on the appraised value of the land of the combined leases (9.6%) is the best return offered for this land.

2. Based upon the above Board Committee's conclusion, the Big Bear proposal for the development of a shopping center with firm commitments for a Big Bear supermarket and a Hart department store at a 11.2% permanent rental return on the appraised value of the 16 acres of Parcel No. 2 appeared to be the best proposal. The Gill, Skilken and Kroger permanent rental return (8%) for all of Parcel No. 2 are less percentage-wise and the Gill and Skilken proposals provided for interim rentals of 30 and 24 months respectively. Originally, the Gill and Skilken proposals did not have firm commitments for a supermarket or department store but later Kroger indicated its store was to be the supermarket in the Gill proposal and it was negotiating with Skilken to have its store in the Skilken proposal. Neither the Gill,



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Skilken or Kroger proposal have firm commitments for a department store, although Kroger indicated one would come into the project once the shopping center was operating. All proposals provided for overages. The Gill proposal required the awarding of leases for all three parcels.

3. The Skilken proposal for the development of Parcel No. 1 includes a firm commitment for a national motel chain in the form of a franchise. The Gill and Kroger proposals do not, except Kroger indicated it is negotiating with Skilken to have the Skilken franchise included in its proposal. The Skilken permanent rental return (8%) on the appraised value of the land is less than the Gill proposal (14.7%) and equal to the Kroger proposal after 24 months, during which time the Skilken proposal provides for interim rentals during construction. All proposals provided for overages except Kroger. The Kroger principals indicated that if their negotiations with Skilken were successful, the Skilken overages would be included and interim rentals would be deleted with the permanent rental effective immediately.

B. Resolution for the Ohio Public Facilities Commission  
to Use Campus Sites for Construction Projects  
Authorized by Legislature--Resolution 1972 - 28

Resolution 1972 - 28

BE IT RESOLVED by the Board of Trustees of Ohio  
University as follows:

Section 1. The President or the Vice President and  
Treasurer of the University is hereby authorized to complete  
and sign, on behalf of the University, Ohio Public Facilities  
Commission forms Nos. 101 and 101 A for any or all of the  
projects for the University provided for by or pursuant to the  
appropriations made under Section 6 of House Bill No. 988  
and Section 2 of Senate Bill No. 457 enacted by the 109th  
General Assembly.

Section 2. This Board of Trustees agrees to permit  
the Ohio Public Facilities Commission to use the sites for  
the purpose of said projects, the boundaries of which are  
shown in the plans for such projects, for so long as the  
respective notes, if any, and bonds issued to finance such  
projects shall be outstanding.

Section 3. The University, and this Board of  
Trustees in its behalf, agrees to undertake performance  
of the functions and responsibilities of a using govern-  
mental agency, and of a designated governmental agency  
to the extent it is such, as provided in the Regulations  
of the Ohio Public Facilities Commission and any applicable  
leases, agreements or rules of the Commission, with  
respect to the aforesaid projects.

Mr. Culp presented the Resolution in behalf of Vice President and  
Treasurer John F. Milar, explaining that action was necessary before  
construction bids could be received on the capital improvement projects  
appropriated in H.B. 988 and S.B. 457. Major projects under the res-  
pective measures are:

House Bill 988

|                       |            |
|-----------------------|------------|
| Chillicothe, Phase II | \$ 961,000 |
| Lawrence County       | 2, 193,830 |
| Zanesville, Phase II  | 1, 000,000 |

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Senate Bill 457

|                      |             |
|----------------------|-------------|
| Lancaster            | \$2,000,000 |
| Lawrence County      | 300,000     |
| Utilities Renovation | 1,500,000   |
| Belmont County       | 100,000     |

Mr. Morris moved approval. Mr. Baxter seconded the motion, which was unanimously approved.

Background information on the Resolution appears as Attachment 4.

C. Resolution for Termination of Special Payments to  
City of Athens for Fire Protection--Resolution 1972 - 29

Vice President Culp recommended approval of the Resolution on the basis of the City's receiving a grant of \$43,576 from the State of Ohio for police and fire protection for Ohio University for fiscal year 1972-73.

Resolution 1972 - 29

WHEREAS, Attorney General's opinion no. 66-028 issued on February 1, 1966, authorized Bowling Green State University to pay the City of Bowling Green an agreed sum for sharing the cost of fire protection to that University, and,

WHEREAS, on February 28, 1967, the Board of Trustees of Ohio University, acting on the basis of said opinion, authorized a contribution to the City of Athens in the amount of \$12,000 on a one year basis for sharing the cost of furnishing fire protection to Ohio University, and,

WHEREAS, on April 12, 1971, the Board of Trustees authorized the continuance of said contribution until such time as the Board of Trustees, either upon its own motion or upon recommendation of the President of the University, should deem it necessary or desirable to alter the existing arrangement, and,

WHEREAS, the City of Athens will receive a grant in the amount of \$43,576 from the State of Ohio during fiscal year 1972-73 for the purpose of providing assistance in the areas of police and fire protection, and,

WHEREAS, this assistance is forthcoming to the City of Athens, it is the recommendation of the President of Ohio University that the annual payment of \$12,000 be discontinued,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Ohio University hereby authorizes the President to terminate payments for fire protection to the City of Athens effective July 1, 1972.

Mr. Johnson's motion to approve was seconded by Mr. Baxter. Approval was unanimous.

Background information on this proposal appears as Attachment 5.

- D. Resolution for Granting Perpetual Easement to City of Athens for Richland Avenue Sewage Lift Station--Resolution 1972 - 30

Resolution 1972 - 30

WHEREAS, the City of Athens has constructed sewage lift station facilities on land belonging to Ohio University in error, said land being located on the south bank of the relocated Hocking River bordering Richland Avenue, and,

WHEREAS, the City of Athens has requested that Ohio University grant a perpetual easement for the purpose of establishing proper claim to the land in order to obtain Federal funding for the facility, and,

WHEREAS, in 1952, the Attorney General of the State of Ohio, in Opinion No. 1566, ruled that under certain conditions, Board of Trustees of Ohio University has the authority to grant an easement to the City for the purpose of sewer facilities, and,

WHEREAS, it has been determined by officials of the University that the installation and maintenance of the facility by the City of Athens would be of direct benefit to the University and reasonably incidental to the main purpose of the University,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the President of Ohio University, or his designated representative, to sign the attached agreement granting easement to the City of Athens.

PERPETUAL EASEMENT FOR RICHLAND AVENUE SEWAGE LIFT STATION

The President and Board of Trustees of Ohio University, the grantor, in consideration of the sum of one dollar (\$1.00), receipt of which is hereby acknowledged, and the mutual covenants hereinafter set forth, do hereby grant to the City of Athens, Athens, Ohio, the grantee, the right and perpetual easement to construct, operate and maintain a sewage lift station on property hereinafter described, for so long as said property is used for purposes herein contemplated.

Situated in the City of Athens, Athens County, Ohio.

Beginning at the intersection of the east right-of-way line of Richland Avenue and the north right-of-way line of State Route 682; both limited access. Thence on the S. R. 682 right-of-way line S68°18' E50 feet to a point; thence running parallel with the Richland Avenue right-of-way line and 50 feet therefrom for a distance of 113.5 feet, more or less, to a point lying 20 feet south of the shoulder of slope of the Hocking River (the easement line of the Hocking Conservancy District); thence on the Conservancy easement line 50 feet, more or less, to a point in the east line of Richland Avenue; thence on the east right-of-way line of Richland Avenue 116.5 feet, more or less, to the place of beginning; containing an area of 0.13 acres, more or less.

This easement is granted subject to the following mutually agreed upon conditions and restrictions.

1. Access to the area is subject to total limitation of access by the State Department of Highways. Grantor has not, cannot and does not by the execution hereof, furnish grantee with any right of access to the above described premises.
2. This easement is granted specifically for the purpose of constructing sewage lift station facilities thereon only, and shall not be used for purposes other than those required to construct, maintain, operate or repair said facilities.
3. It is understood that the grantee will, at all times, maintain all structures and grounds in a state of good appearance and keep all areas surrounding said structures in grass sod.
4. All electrical service lines and utility lines to the facility shall be placed underground.
5. It is understood that the grantor will, at all times, have the right of ingress and egress over the land described in this easement, and the right to use the same for any purpose not inconsistent with the use by grantee of the easement granted hereby.

- 6. This easement is granted with the understanding that any and all facilities placed thereon will be constructed in accordance with good engineering practice, and the City of Athens agrees, for itself, its successors, and assigns, to indemnify and save harmless Ohio University from all damages and claims thereof arising out of any act, omission, or neglect by the City of Athens or any of its agents during the period of construction, operation, and maintenance as herein provided.
- 7. It is understood that the City of Athens herewith agrees to grant Ohio University the right to connect to sewer lines that are normally related to or a part of the sewage lift station facilities.

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

City of Athens

By: \_\_\_\_\_

Ohio University

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary of Board of Trustees

Chairman Kennedy, through questions, reaffirmed that the University has the privilege of tying into the lines served by the station, and that the easement is effective only for the period during which the station is used for its intended purpose.

Dr. Holzer moved approval of the Resolution. Mr. Morris seconded the motion, which was approved unanimously.

#### VIII. Selection of Next Meeting Date and Site

The September 12, 1972 date agreed upon on May 23 for the next regular meeting was reconfirmed.

#### IX. General Discussion--Roll Call of Members

MR. MORRIS inquired about the status of plans to further rapport with students. Mr. Baxter stated that, subject to agreement of Chairman Kennedy, efforts would resume in the fall. Already there is an invitation for lunch with the Undergraduate Alumni Council.

MR. KENNEDY commented on extremely valuable meetings he had had with two student groups, and emphasized that the momentum should not be lost, but expanded. Mr. Morris suggested a decision be made as to the groups with which to meet. Mr. Baxter emphasized the need to meet with a variety of groups. Mr. Kennedy stressed the need to broaden, on a continuing basis, liaison with groups, since it cannot be done with all 19,000 students. He explained that this was his recommendation, even though his personal experience with such an effort had not been a happy one. The head of Student Government arrived late for his appointment--just as he was leaving for the airport; two invitations to meet with Post personnel were frustrated when no one was present when he went to the office. The working out of improved communication with students will be high on the agenda during the coming year.

MR. JOHNSON congratulated Mr. Hodes on his election as Chairman of the Alumni Association. He welcomed Mr. Kircher to the Board, saying that he had known well members of the Kircher family. He assured members that Mr. Kircher would make a great contribution. He stated his view that the Governor, through the Holzer and Kircher appointments, was giving us the right people. Mr. Kennedy seconded this statement.

MR. KIRCHER thanked Mr. Johnson and Mr. Kennedy for their remarks, saying that he had a deep love for the University, heightened by eleven Kirchers having been students over the years. Personal involvement in a variety of Board matters is indicated.



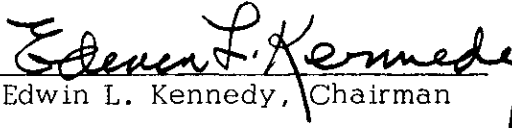
MR. HODES stated that he would want to make the Board aware of Alumni Board actions. Recent enlargement of the Board, for example, provides for representation of the classes of the 1960's, which constitute the largest segment of the alumni group. This and other actions are designed to produce a more effective Alumni Board.

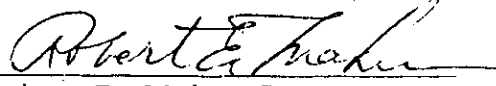
DR. HOLZER stated he was glad to see Mr. Kircher and Mr. Hodes. He emphasized that he would make every effort to improve rapport with students.

PRESIDENT SOWLE welcomed Mr. Kircher, and called attention to his long association with Ohio University and Athens. He stated his belief that he would bring new viewpoints and experience to the Board. He reminded representatives of the media who were present that Mr. Kircher had, for a period of time, been a working newspaper man. The President expressed his pleasure at having Mr. Hodes present, and expressed the view that there was no more serious and dedicated an alumnus. He seconded the earlier statements about further and collective efforts with students, stating that, with patience, these could on occasion be thrilling and rewarding. He emphasized the two-way aspects of this--expressing oneself as well as listening. He urged including the leadership of the Post in this effort. In response to this, Mr. Kircher related his pleasant experiences of several years ago when he participated in the Alumni in Residence Program.

X. Adjournment

Chairman Kennedy, determining that there was no further business, declared the meeting adjourned at 3:15 P.M.

  
Edwin L. Kennedy, Chairman

  
Robert E. Mahn, Secretary

STATE OF OHIO  
**Executive Department**  
OFFICE OF THE GOVERNOR

Attachment #1  
PRESIDENT'S OFFICE

JUL 17 1972

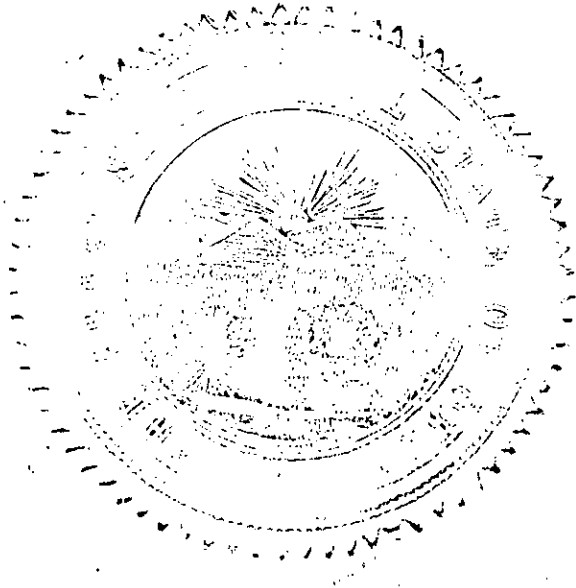
*Columbus*

*new*  
⊗ H/C to  
117-B-14  
⊗ let. this  
mat. to Mr.  
Mahan for his  
files.

*Carl 7/17/72*

I, John J. Gilligan, Governor of the State of Ohio, do hereby appoint William L. Kircher, Bethesda, Montgomery County, Maryland, as a Member, Board of Trustees of The Ohio University, for a term beginning May 14, 1972, and ending at the close of business May 13, 1981, with appointee taking office June 9, 1972, vice Don M. Casto, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 1st day of June, in the year of our Lord, one thousand nine hundred and seventy-two.



*John Gillis*  
Governor

OATH OF OFFICE

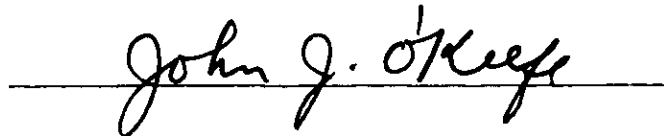
I, William L. Kircher, promise and swear to support the Constitution of the United States and the Constitution of this State, and faithfully to discharge the duties of the Office of Member, Board of Trustees of The Ohio University, to which I have been appointed for a term beginning May 14, 1972, and ending at the close of business May 13, 1981.

  
\_\_\_\_\_

STATE OF MARYLAND,

COUNTY OF MONTGOMERY, SS:-

Personally sworn to before me, a Notary Public in and for said county, and subscribed to in my presence this 7<sup>th</sup> day of June, 1972.

  
\_\_\_\_\_

**OHIO UNIVERSITY**  
**INTER-OFFICE COMMUNICATION**

DATE July 5, 1972TO Chairman and Members of the Board of TrusteesFROM Wm. Charles Culp, Vice President for Administrative Services *WC*SUBJECT REPORT ON PLANNED USE OF CAPITAL IMPROVEMENT FUNDS PROVIDED BY  
S.B. 457 FOR UTILITIES AND RENOVATIONS

S.B. 457 provides the Athens campus with \$1,500,000 for utilities and renovations. The specific projects to be funded with these funds were proposed by the Building Priorities Committee and subsequently reviewed and recommended by the senior officers to President Sowle. For your information, the projects are as follows:

|  |                    |
|--|--------------------|
| 1. Renovation of Lindley Hall                        | \$ 365,000         |
| 2. Purchase and Renovation of the Messenger Building | 530,000            |
| 3. Paving and Landscaping Projects                   | 75,000*            |
| 4. Upgrade Steam and Utility Tunnels                 | 125,000            |
| 5. Chemistry Lab Renovations                         | 85,000             |
| 6. Memorial Auditorium Renovation                    | 90,000             |
| 7. Bentley Hall Air Conditioning                     | <u>230,000</u>     |
| Total  | <u>\$1,500,000</u> |

On June 11, 1971, the Board authorized the lease-purchase of Lindley Hall from the Residence Hall Auxiliary. The renovation of Lindley Hall will provide for upgrading the building finishes, new lighting and wiring, new electrical services, new partitions and elevators. When the renovation is completed, we will be able to vacate Ewing Hall and proceed with razing that facility. We also will be able to vacate Berry Hall.

On April 12, 1971, the Board authorized the purchase of the Athens Messenger Building. Of the \$530,000 allocated for this project, \$250,000 will be used for the purchase of the building, and the remaining \$280,000 will be used to renovate the facility for use by the School of Journalism. The renovation funds will be used to construct classrooms, photographic art and graphic laboratories, faculty offices and to install central air conditioning.

The \$75,000 allocated for paving and landscaping projects will provide for the following specific projects:

|   |          |
|---|----------|
| 1. Paving of Scott Quadrangle Parking Lot | \$ 8,500 |
| 2. Paving of University Terrace           | 5,000    |

\*Items substituted for Number 3:

|   |        |
|---|--------|
| Ellis Roof Repair   | 25,000 |
| Electrical Distribution Equipment and Tunnel Exhaust Fans | 50,000 |

Chairman and Members of the Board of Trustees  
 Page 2  
 July 5, 1972

|  |                 |
|--|-----------------|
| 3. Paving of Math Building Parking Lot     | \$27,000        |
| 4. Hudson Health Center Area               |                 |
| Paving and Landscaping                     | 14,500          |
| 5. Wolfe Street Cul-De-Sac                 | 5,000           |
| 6. Miscellaneous Sidewalks, Lighting, Etc. | <u>15,000</u>   |
|  | <u>\$75,000</u> |

The \$125,000 for steam and utility upgrading will provide for upgrading a section of deteriorating tunnel and utility lines between the old Heating Plant and the Richland Avenue bridge, and for the replacement of the existing steam and utility tunnel from Park Place to the area north of Carnegie Hall.

The \$85,000 for chemistry laboratory renovations will provide for replacing the laboratory equipment in the organic chemistry laboratory which was constructed in 1946 and for relocating the thermal chemistry laboratories from Bentley Hall to the Chemistry Building. The vacated space in Bentley Hall will also be renovated for faculty office space for the History and Government departments.

The Memorial Auditorium funds of \$90,000 will be used to provide a new sound system, improve the lighting, resolve the sound reverberation problem, improve the aesthetics, and renovate the stage area.

Bentley Hall was renovated in 1961 and converted to a classroom building. The building is without windows, and the limited mechanical ventilation system creates a situation whereby the temperature is excessively hot during the fall, spring, and summer seasons. The \$230,000 for Bentley Hall will be used to provide air conditioning for this major classroom building.

After the Board of Regents has authorized the aforementioned projects, we will begin the process of interviewing prospective architects. When the process of interviewing architects has been completed, we will submit our recommendations with respect to project architects to the Board of Trustees for action.

WCC:nsa

cc: Dr. Claude R. Sowle, President

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**OHIO UNIVERSITY**  
**INTER-OFFICE COMMUNICATION**

DATE June 23, 1972TO John Milar, Vice President and TreasurerFROM Ray Wineland, Assistant Controller *RW*SUBJECT Resolution for the Ohio Public Facilities Commission

It is necessary for us to have the following resolution adopted by the Trustees before any construction bids can be received on the Capital Improvement projects appropriated in H.B. 988 and S.B. 457. Attached is a copy of the Trustees resolution for the previous biennium, which was adopted June 29, 1970.

"BE IT RESOLVED BY THE BOARD OF TRUSTEES OF Ohio University as follows:

Section 1. The President or the Vice President and Treasurer of the University is hereby authorized to complete and sign, on behalf of the University, Ohio Public Facilities Commission forms Nos. 101 and 101A for any or all of the projects for the University provided for by or pursuant to the appropriations made under Section 6 of House Bill No. 988 and Section 2 of Senate Bill No. 457 enacted by the 109th General Assembly.

Section 2. This Board of Trustees agrees to permit the Ohio Public Facilities Commission to use the sites for the purpose of said projects, the boundaries of which are shown in the plans for such projects, for so long as the respective notes, if any, and bonds issued to finance such projects shall be outstanding.

Section 3. The University, and this Board of Trustees in its behalf, agrees to undertake performance of the functions and responsibilities of a using governmental agency, and of a designated governmental agency to the extent it is such, as provided in the Regulations of the Ohio Public Facilities Commission and any applicable leases, agreements or rules of the Commission, with respect to the aforesaid projects."

If you have any questions please give me a call.

xc: C. Culp  
P. Zimmerman

June  
197

President Sowle explained that it was necessary for the Board of Trustees to adopt a resolution authorizing a specific officer of the University to submit requests to the Public Facilities Commission and also to permit the Ohio Public Facilities Commission to use sites on our campus for the construction of buildings funded through appropriations made in House Bill 531 enacted by the 108th General Assembly.

After a discussion of the proposed resolution, it was moved by Mr. Baxter, seconded by Mr. Hall that the following resolution be adopted and on roll call the following votes were recorded: Hall, yes; Baxter, yes; Stocker, yes; Morris, yes; Kennedy, yes; Brown, yes; and Johnson, yes. There were no negative votes and the Chairman declared the following resolution adopted.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF OHIO UNIVERSITY, as follows:

Section 1. The President or the Treasurer of the University is hereby authorized to complete and sign, on behalf of the University, Ohio Public Facilities Commission forms Nos. 101 and 101A, for any or all of the projects for the University, provided for by or pursuant to the appropriations made under Section 4 of Amended Substitute House Bill No. 531 enacted by the 108th General Assembly.

Section 2. This Board of Trustees agrees to permit the Ohio Public Facilities Commission to use the sites for the purpose of said projects, the boundaries of which are shown in the plans for such projects, for so long as the respective notes, if any, and bonds issued to finance such projects shall be outstanding.

Section 3. The University and this Board of Trustees in its behalf, agrees to undertake performance of the functions and responsibilities of a using governmental agency, and of a designated governmental agency to the extent it is such, as provided in the Regulations of the Ohio Public Facilities Commission and any applicable leases, agreements or rules of the Commission, with respect to the aforesaid projects.



JUL 5 1972

OHIO UNIVERSITY  
INTER-OFFICE COMMUNICATION

DATE July 5, 1972

TO Dr. Claude R. Sowle, President

FROM Wm. Charles Culp *WCC*

SUBJECT TERMINATION OF SPECIAL PAYMENTS TO THE CITY OF ATHENS FOR FIRE PROTECTION

In accordance with the attached resolution of April 12, 1971, and with knowledge that the City of Athens will be receiving a grant of \$43,576 from the State of Ohio for police and fire protection for Ohio University for fiscal year 1972-73, I recommend that Ohio University discontinue the payment of \$12,000 per year to the City of Athens for fire protection effective July 1, 1972.

If you approve this recommendation, a proposed resolution for termination of payments to the City of Athens is attached for action by the Board of Trustees.

WCC:nsa

Attachments

*Approved for  
Submission to  
the Board of  
Trustees -*

*Claude R. Sowle*  
7/5/72 ✓

The Chairman called on Mr. Milar to explain a proposed resolution approving a \$1,000 per month contribution to the City of Athens for fire protection.

Mr. Milar explained that we have been contributing \$1,000 per month to the City of Athens since February of 1967 to assist the city with building a better fire protection service for the University and the city. He explained that the Board of Trustees had approved this contribution for one year only, and due to an oversight, the Trustees had not been asked to approve the expenditure in succeeding years and it has continued to be paid since that time. He said there was a proposal in the Governor's budget which would provide a contribution by the state for fire and police protection to cities in which universities are located. If this item is approved by the Legislature, the University can probably cease making this contribution. After a discussion, it was moved by Mr. Kennedy, seconded by Mr. Crow and unanimously carried that the following resolution be adopted:

WHEREAS, the City of Athens requested of Ohio University on December 29, 1966, an annual contribution in the amount of \$12,000 for the purpose of sharing the cost of furnishing fire protection expansion of fire fighting equipment, and

WHEREAS, Attorney General's opinion No. 66-028 issued on February 1, 1966, authorized Bowling Green State University to pay the City of Bowling Green an agreed sum for sharing the cost of furnishing fire protection to that University, and

WHEREAS, the Board of Trustees of Ohio University authorized on February 28, 1967, a contribution to the City of Athens in the amount of \$12,000 on a one year basis for sharing the cost of furnishing fire protection to the University, and

WHEREAS, Ohio University has continued a monthly contribution in the amount of \$1,000 to the City of Athens since February 28, 1968, and inasmuch as the continued availability of sufficient fire protection to University facilities is a necessity,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees approves the contributions which have been made to the City of Athens since February 28, 1968,

AND, BE IT FURTHER RESOLVED, that the Board of Trustees of Ohio University authorizes a continuing contribution in the amount of \$1,000 per month to the City of Athens for fire protection until such time as the Board of Trustees, either upon its own motion or upon recommendation of the President of the University, shall deem it necessary or desirable to alter the existing arrangement.