



Michael V. Drake, MD
President

March 19, 2021

Office of the President
1111 Franklin St.
Oakland, CA 94607

CHANCELLOR – UC BERKELEY

universityofcalifornia.edu

Delegation of Authority– Intersection Development Donation, Emeryville, Berkeley Campus

At its January 2020 meeting, the Regents approved the Acceptance of Gift of Real Property; Delegation of Authority to the President of the University Regarding Authority Over Operating and Management Decisions; and Approval of Indemnification Clauses in connection with the acquisition of the Intersection Development at 3800 San Pablo Avenue, Emeryville, California (“Property”).

In their January 2020 approval, the Regents delegated authority to the President in connection with the referenced transaction, with the intent that it would be further delegated to the Chancellor of the Berkeley campus. The following Authority is delegated to you with respect to the Property:

1. In consultation with the Office of the General Counsel, all power and authority to approve the terms of and execute a Gift Agreement and such other documents as may be required to fully effect the transfer of the Property.
2. In consultation with the Office of the General Counsel, all power and authority to assume liability for and authorize the indemnification of the Donor including its officers, directors, managers, trustees, employees, and agents for claims arising from events occurring in connection with the University’s ownership and use of the Property; provided, however, that UC Regents’ foregoing obligation shall not apply to the extent there are any actions, claims, damages, expenses, fees, fines, penalties, or costs arising out of or in any way connected with the presence or release of any hazardous materials in, on, above, beneath, or from the Property prior to the commencement of UC Regents’ first possession of the Property, where “hazardous materials” shall mean any element, compound, mixture, solution, substance, or waste that might pose a hazard to human health and safety or to the environment, or otherwise give rise to liability under laws relating to the protection of human health and the environment, including, without limitation, the Comprehensive Environment Response, Compensation and Liability Act of 1980, as amended; Division 20 of the California Health and Safety Code; and the California Water Code, section 13000 et seq.
3. All power and authority regarding the disposition of the Property, subject to the limitations that such power and authority be exercised in a manner consistent with applicable law. (Regents’ Policy 8103, Item 7).

CAMPUSES

- Berkeley
- Davis
- Irvine
- UCLA
- Merced
- Riverside
- San Diego
- San Francisco
- Santa Barbara
- Santa Cruz

MEDICAL CENTERS

- Davis
- Irvine
- UCLA
- San Diego
- San Francisco

NATIONAL LABORATORIES

- Lawrence Berkeley
- Lawrence Livermore
- Los Alamos

4. All power and authority regarding the leasing of the Property, subject to the limitations that such power and authority be exercised in a manner consistent with applicable law. (Regents' Policy 8103, Item 8).
5. All power and authority regarding licenses; easements; rights of way; covenants, conditions and restrictions; encumbrances; mineral rights; geothermal resources; documents required under the Subdivision Map Act or with respect to Subdivided Lands Act; miscellaneous real property documents; and other contracts and ancillary documents as necessary to implement real estate transactions related to the Property, subject to the limitations that such power and authority be exercised in a manner consistent with applicable law. (Regents' Policy 8103, Items 9 and 12).
6. All power and authority regarding reimbursement agreements or stipend agreements related to the Property, subject to the limitations that such power and authority be exercised in a manner consistent with applicable law. (Regents' Policy 8103, Item 10).
7. All authority to adopt or certify environmental documents pursuant to the California Environmental Quality Act regarding actions taken as described above related to the Property, subject to the limitations that such power and authority be exercised in a manner consistent with applicable law.

Effective immediately, the above authorities and responsibilities delegated to the President are re-delegated to you.

There shall be no further delegation of the above authority.

Sincerely,

A handwritten signature in black ink that reads "Michael V. Drake, MD". The signature is written in a cursive style with a large, stylized initial "M".

Michael V. Drake, MD
President

cc: Divisions Leaders
Principal Officers and other Regents
Universitywide Policy Office