

Office of the President

Capital Improvements Longevity

February 2, 1966

ALL CHANCELLORS:
DEAN OF UNIVERSITY EXTENSION:
DEAN, HASTINGS COLLEGE OF THE LAW:
UNIVERSITY DEAN OF AGRICULTURE:
PROVOST, CALIFORNIA COLLEGE OF MEDICINE:

From time to time in the past several years construction of buildings or other facilities of the University has been proposed even though there was no assurance that The Regents would enjoy undisturbed use of the site for the entire estimated life of the proposed improvement. The following policy statement has been prepared to cover such situations:

Effective immediately, no building or other improvement shall be constructed, nor shall the preparation for such projects proceed beyond the completion of preliminary plans unless The Regents' interest in the proposed site, including any necessary access thereto, is such as to assure the University of the undisturbed use and enjoyment of the site for the entire estimated life of the improvement. Generally, this requirement is satisfied if The Regents hold title to the proposed site in fee simple, but even then consideration must be given to the existence of any conditions which, if not complied with, may cause The Regents to become divested of ownership. In addition, the impact of easements or licenses on the University's undisturbed enjoyment of the site must be evaluated. Conversely, if the estimated life of a building or other improvement is short, the requirement of prospective undisturbed enjoyment may be satisfied even though The Regents do not hold title to the site in fee simple. For example, a permanent improvement to premises occupied by the University as lessee may be proper if the value to the University of the use of the improvement over the term of the lease will be equal to or exceed its cost.

In any case where there is any uncertainty as to whether The Regents' interest in a site is adequate to assure the University of undisturbed use and enjoyment for the estimated life of the building or other improvement, the matter should be referred to the Office of the Vice President - Physical Planning and Construction prior to proceeding beyond the completion of preliminary plans.

Clark Kerr
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cc: Universitywide Administrative Officers