

November 18-19, 2021

**ITEM 197-2007-R1121**

**Request for Authorization to Lease Land to Charter Realty; Montana State University**

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**THAT**

Consistent with BOR Policy 1003.6, the Board of Regents authorizes Montana State University to lease campus property for a lidar testing range to Charter Realty and affiliated entities.

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**EXPLANATION**

1. Montana State University (MSU) and Montana Agricultural Experiment Station (MAES) request authority to enter into a lease with Charter Realty and affiliated entities to lease land for a lidar testing range that will be used by the photonics/optics industry, and to bolster industry and university partnership in this overlapping space of research and development interest.
2. The lidar testing range currently exists on the MSU Innovation Campus but requires relocation due to an anticipated building project. The current range is 55 yards wide and 450 yards in length and will remain the same size in the proposed MSU space and lease. The lidar testing range does not require any permanent structure, but instead requires removable lidar testing targets that are anchored to the ground.
3. The current lidar testing range on the MSU Innovation Campus is being leased at a rate of \$2,000 per month, and that regionally competitive rate is being proposed for this new lease.
4. MSU-MAES requests approval for a ten (10) year lease, with tenant right to extend the lease by the exercise of two (2) extension options of five (5) years each. Each renewal term shall be subject to MSU's discretion in the event Tenant has any uncured breach under the lease at the time of the exercise of the option. To exercise a renewal term, Tenant shall deliver written notice to MSU at least one (1) year prior to the conclusion of the initial ten (10) year lease.
5. MSU-MAES has discretion to relocate the lidar testing range to other MAES land within Bozeman if other mission centric uses arise for the leased land.
6. The lease will have a provision that allows MSU-MAES to access the leased land for the purpose of planting, harvesting, managing, and grazing the land. These activities will be done in coordination with the tenant so as not to interfere with their operations.
7. The proposed lidar testing range aligns with MSU research and educational missions, including MSU's nationally recognized photonics/optics programs, as well as emerging interests in lidar testing and applications for precision agriculture.
8. BOR Policy 1003.6.III.A requires Board of Regents approval when the lease is for a term in excess of two years.

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**ATTACHMENT**

None