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**DATE:** November 22, 2013

**TO:** Patricia Jacobson, Chair, and Members of the Board of Regents

A handwritten signature in black ink, appearing to read "Michael B. Hostina".

**FROM:** Larry Zervos, Associate General Counsel & Mike Hostina, General Counsel

**RE:** Updates - Alaska Pacific University (APU)

**CC:** President Gamble, Chancellor Case, VC Spindle, AVP Kit Duke

Per President Gamble's request, the following provides an update to the Board on issues involving APU.

### **Land Use Restrictions**

The Board's September 27, 2013, motion authorized President Gamble to enter into an agreement with APU to rescind restrictions on APU land provided that APU first grant the University a Right of First Refusal and/or a Right of First Offer.

APU and UA have agreed on a Right of First Offer and drafts of final documents are in the hands of APU's attorney. If APU's Board approves the agreement, APU will file a motion to vacate the 1998 Judgment containing those restrictions. The University of Alaska will join that motion, and the Court likely will grant that motion.

### **Arena Traffic Impacts**

UAA, with the assistance of Facilities and Land Management, has been negotiating with APU to resolve claims that APU's access to its land via University Lake Drive will be negatively impacted by increased traffic on Elmore Drive related to UAA's new sports arena.

The parties have agreed in principle to facilitate APU's construction of a road connecting the east stub of the new traffic circle to University Lake Drive by means of several actions including: APU vacating a section line easement with UA's assistance, UA purchasing associated land, and APU constructing the road. The land consists of approximately 14,000 square feet of land abutting the traffic circle, the proposed road and two University buildings that currently have no setback. Kit Duke has transmitted a draft MOA to APU.

We will be happy to address any questions.