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Title 97 - Board of Educational Lands and Funds
Chapter 7 - IMPROVEMENTS OF EDUCATIONAL LANDS

001 Procedure. Prior to placing or making any improvement on educational land, written approval must be obtained from the Board with the following regulations first being met.

001.01 A written request for the improvement must be submitted to the Board for their consideration on the forms furnished by this office.

001.02 If written approval for the improvement is given by the Board, the lessee will be required to sign an Improvement Agreement form in which he agrees to certain stipulations that are applicable to that particular improvement. (For further explanation see the following list of stipulations.)

002 Stipulations for Improvements. The lessee agrees to only those stipulations that are applicable to his particular improvement request.

002.01 To submit to the Board of Educational Lands and Funds within sixty (60) days following construction, a certified statement of all construction costs, and list all cost sharing they received. Copies of all receipts for any materials, labor or other cost involved must be attached to the Certified Statement of Cost.

002.02 That construction will be completed within one year immediately following the date of the Board approval or within the year proposed in the Great Plains Contract, if approved by the Board.

002.03 That at such time the land is offered for sale or lease to accept the appraised valuation as determined by the Board or its representative on the improvements listed herein that cannot be removed without damaging the land or other property. On the improvements listed herein that can be removed without damaging the land or other property the lessee may either accept the appraised valuation of the Board, transfer ownership thereof to the new lessee, or remove the improvements as personal property.

*Governor 7-19-83
Att. Gen. 5-26-83
Sec. State 7-26-83
Review 7-26-83*

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002.04 That certain improvement items listed herein are considered personal property and may be removed by the lessee provided said removal can be done without damage to the land, improvements, or other property. The lessee may elect at the expiration or termination of the lease to transfer ownership of said improvements to the new lessee with the understanding that said improvements shall then become the personal property of the new lessee. If lessee elects at the expiration or termination of the lease to leave the improvements described as personal property on the land, the lessee agrees it shall become property of the land and the lessee will not be compensated for same.

002.05 That any costs incurred in purchasing, establishing, constructing or installing the improvements herein listed will be fully depreciated at the expiration or termination of the lease and the lessee will not be compensated for the same.

002.06 That approval by the Board is null and void if the agreement is not properly completed and returned to the Board of Educational Lands and Funds within thirty (30) days after notification of the Board approval.

002.07 That failure to comply with the requirements which apply to each request will result in total forfeiture of all right, title and interest in the improvements.

002.08 That pivot irrigation systems, whether leased or financed, shall not constitute an improvement to the school land as contemplated by Section 72-240.07, but shall be considered personal property of the lessee. If at the expiration or termination of the lease, the lessee elects not to remove the pivot system as described herein, then he may either transfer ownership thereof to the new lessee or the company which holds a security interest thereon within three (3) months of the date the lease terminates, or if no such transfer is made within the allotted three (3) months, the lessee agrees that the pivot system shall become the property of the State and that he shall have no right to compensation therefore.

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002.09 That the appraised valuation, or value to the land, of this improvement shall not exceed the principal amount of the original net cost of its purchase, establishment, construction or installation actually paid or incurred by the lessee who placed or made this improvement on educational land.

003 Emergency Approval of Improvement Requests

003.01 The Secretary of the Board has authority to approve emergency requests for livestock wells and livestock watering facilities.

003.02 The Secretary's action must be confirmed by the Board at their next regular meeting.

003.03 Upon receiving emergency approval from the Secretary the lessee may proceed with the constructing or establishment of the improvement with the understanding, however, that all other rules pertaining to a normal improvement request as heretofore listed must be complied with.

004 Removal. Appraisable permitted improvements which the lessee has the right to, and does, elect to remove in lieu of either accepting the appraised valuation thereof or transferring ownership thereof to the new lessee, and all other items of property which the lessee has the right to, and does, elect to remove in lieu of transferring ownership thereof to the new lessee shall be removed from the land (1) within one month after expiration of the lease if the lease ends by expiration, (2) within one month after termination of the lease if the lease ends other than by expiration, (3) within two months after the date upon which the land, or a new lease thereof, is offered for sale at public auction if the lease ends by expiration, or (4) within any extension of time granted by the Board, whichever of the applicable is later. If the lessee desires additional time to remove any item, the lessee shall present to the Board a written request for an extension of time specifying, with respect to each item of property to which such request pertains, the additional time requested and the reasons for such request. Such request must be so

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presented within the initial time period within which removal is permitted and shall be submitted to the Board for its consideration and such action as the Board deems appropriate in its sole and absolute discretion. Any extension of time granted by the Board shall be in writing and signed by an authorized representative of the Board. The Executive Secretary is authorized to grant on behalf of the Board any extension of time not exceeding one month in duration which he deems appropriate in his sole and absolute discretion with respect to any specific item of property. Provisions of Educational Land Leases requiring the immediate vacation and surrender of the premises upon the expiration or termination thereof apply and remain in full force and effect notwithstanding these provisions pertaining to the removal of items of property which grant only a limited right of entry upon the premises for the sole and only purpose of expeditiously accomplishing such removal and do not grant any other, different, additional or greater rights to the lessee specifically including, but not limited to, any rights to hold over upon, or use, the premises to any extent at any time, or for any periods of time, for any other purpose, or purposes, whatsoever.

005 Time Limit on Construction of Improvement. The construction or establishment of improvements on educational land must take place within one year of the date of Board approval except that in a Great Plains Contract the improvement must be completed according to the date specified in the Contract.

006 Valuation of Improvements. The appraised valuation, or value to the land, of any appraisable permitted improvement shall be the amount it adds or contributes to the land but shall not exceed the smallest of the following:

006.01 The difference between the amount for which the land would sell with the improvement and the amount for which the land would sell without the improvement.

006.02 Its replacement cost less any depreciation, obsolescence and want of benefit to the land.

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006.03 The amount determined in accordance with any requirements applicable thereto contained in Section 2 of this RULE 7.

007 Ownership. All items of property of the following classes, classifications and categories are and shall become property of the land owned by the School Trust and no lessee will be compensated for the same:

007.01 Permitted improvement approved pursuant to subsection 002.05 of Chapter 7.

007.02 Appraisable permitted improvements which the lessee has the right to, and does, elect to remove or to transfer the ownership thereof to the new lessee and all other items of property which the lessee has the right to remove or to transfer the ownership thereof to the new lessee but which the lessee (1) does not remove with the time, or times, specified in Section 4 of Chapter 7, and (2) also does not transfer the ownership thereof to the new lessee within the time, or times, specified in Section 4 of Chapter 7 for removal thereof.

007.03 All permitted improvements with respect to which there is any violation of, or failure to comply with, any of the requirements pertaining thereto including, but not limited to, any requirements applicable thereto contained in Section 2 of Chapter 7.

007.04 All non-permitted improvements.

008 Improvements and Growing Crops That Do Not Sell. Except as otherwise provided in this Section, appraisable permitted improvements and fall-seeded growing crops which the lessee elects to accept the appraised valuation of to be paid by the purchaser of the land, or the purchaser of a new lease thereof, but with respect to which there is no bidder for the land, or no bidder for a new lease thereof, when the same is offered for sale at public auction, shall for all purposes be deemed to be appraisable permitted improvements which the lessee has the right to remove, or to transfer ownership thereof to the new lessee, or

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Walter J. Beermann
Secretary of State
OCT 11 1985

APPROVED:
Date 10-9-85
Bob Kerrey
Governor

APPROVED
ROBERT M. SPIRE
ATTORNEY GENERAL
BY *John P. ...*
Assistant Attorney General
DATE 8/19/85

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fall-seeded growing crops which the lessee elects to harvest, with like effect as if the lessee had never elected to accept the appraised valuation thereof. With respect to any one or more of such items of property other than fall-seeded growing crops, the lessee may file with the Board within the time referred to in Section 4 of Chapter 7 an election to accept the appraised valuation thereof to be paid by any purchaser of the land on which the same is located, or any purchaser of a new lease thereof, at public auction during the succeeding fourteen (14) months. Upon the timely filing of such an election, the Board shall as soon as practicable thereafter reoffer the land, or a new lease or leases thereof, at public auction in one or more parcels either alone or in combination with other land as the Board sees fit in its sole and absolute discretion so long as the manner in which the land is so reoffered does not unreasonably impair any value contributed to the land by the improvements to which such election applies. With respect to any of the land for which there is no bidder, or no bidder for a new lease thereof, when the same is so reoffered for sale at public auction, the Board may enter into a short term rental, tenancy or other agreement for use thereof during the succeeding year with any person and upon any terms as the Board sees fit in its sole and absolute discretion. During such short term rental, tenancy or other agreement, the user of the land pursuant thereto may use any improvements thereon to which such election applies unless such use is precluded by the express terms of such short term rental, tenancy or other agreement; the lessee who made such election shall not be entitled to any payment or other compensation whatsoever for such use from any source; and the user of the land and the Board shall each refrain from intentionally damaging or destroying any improvements to which such election applies but shall have no other duty, obligation, responsibility or liability whatsoever for, about, concerning or in any manner pertaining to any such improvements and specifically, without in any manner limiting the generality of the foregoing, shall have no duty, obligation, responsibility or liability whatsoever to maintain, repair, protect or preserve any such improvements. Prior to expiration of the fourteen (14) month period contemplated in the second sentence of this Section, the Board shall reappraise the unsold improvements to which such election applies and again offer the land upon which such improvements are located, or a new lease or leases thereof, for sale at public auction in one or more parcels either alone or in combination with other land as the Board sees fit in its sole and absolute discretion with the new appraised valuation of each such improvement to be paid by the purchaser of the

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land on which the same is located, or the purchaser of a new lease thereof. Any appraisable permitted improvements to which such election applies and with respect to which there is no bidder for the land on which the same is located, or no bidder for a new lease thereof, when the same is again so offered for sale at public auction shall for all purposes be deemed to be appraisable permitted improvements which the lessee has the right to remove, or to transfer ownership of to the new lessee, with like effect as if the lessee had never elected to accept the appraised valuation thereof.

Chapter 7 (001) Sec. 72-240.07 Nebr. Rev. Stat.
Chapter 7 (002) Sec. 72-232 Nebr. Rev. Stat.
Chapter 7 (003) Sec. 72-232 Nebr. Rev. Stat.
Chapter 7 (004) Sec. 72-240.07 Nebr. Rev. Stat.
Chapter 7 (005) Sec. 72-232 Nebr. Rev. Stat.
Chapter 7 (006) Sec. 72-232 Nebr. Rev. Stat.
Chapter 7 (007) Sec. 72-232 Nebr. Rev. Stat.
Chapter 7 (008) Sec. 72-232 Nebr. Rev. Stat.

APPROVED
ROBERT M. SPIRE
ATTORNEY GENERAL
BY *[Signature]*
Assistant Attorney General
DATE 8/19/85

APPROVED:
Date 10-9-85
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Secretary of State
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