



Item: VI.

Wednesday, July 30, 2008

SUBJECT: COOPERATIVE AGREEMENT WITH MAX PLANCK FLORIDA CORPORATION

PROPOSED BOARD ACTION

The Administration requests the Board of Trustees approve a Cooperative Agreement with Max Planck Florida Corporation (“MPFC”).

BACKGROUND INFORMATION

On September 10, 2007, the Board of Trustees approved a resolution authorizing President Brogan to negotiate with the Max Planck Society in order to facilitate and establish a mutually beneficial collaborative relationship. Specifically, the Board authorized the President to negotiate with regard to four elements: (i) the extension of a sublease of approximately six acres of the FAU Jupiter Campus for the construction of a permanent facility; (ii) the design of a transitional plan for Max Planck to use a portion of the Scripps temporary buildings on the Jupiter Campus; (iii) the establishment of an academic and research affiliation agreement between Max Planck and FAU; and (iv) the use of approximately 10,000 square feet of classroom, office, fields;

- (ii) Establishes the framework for the negotiation of a short term facilities use agreement for the Scripps T 2 building and for a portion of the Scripps T 1 building; and
- (iii) Establishes the framework for the negotiation of a long term ground lease for the construction of a permanent 100,000 gross square foot facility for MPFC, which facility shall include approximately 50,000 gross square feet to be jointly used by FAU and MPFC in support of the collaborative research and educational efforts.

_____.

ARTICLE III
TEMPORARY FACILITIES

_____ attached hereto (the "Temporary Facilities" description of the improvements and fixtures ("Improvements") that

FAU's increased costs reasonably attributable to MPFC for these utili

_____. FAU's Department of Environmental Health and Safety ("EHS") is responsible for providing and ensuring

PF C's occupancy of the Temporary

during MPFC's occupancy of the Temporary Facilities by any federal, state,

ARTICLE IV
SUB-LEASE FOR PERMANENT FACILITIES

Sub-Lease for Permanent Facilities. FAU and MPFC agree to enter into good faith negotiations with each other and with Palm Beach County and the Florida Division of State Lands for the sub-lease of approximately six acres rent-free, as more particularly described in Exhibit C, at FAU's John D. MacArthur Campus for the construction of MPFC's permanent facilities, consisting of approximately 100,000 gross square feet ("Permanent Facilities"). Such sub-lease shall be subject to the approval of FAU's and MPFC's governing boards, the Florida Division of State Lands, and the MacArthur Foundation.

during MPFC's occupancy of the

shown on the courier's receipt as of the date of actual delivery; and (iv) if

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EXHIBIT A
DEFINITIONS

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EXHIBIT B
DESCRIPTION OF TEMPORARY FACILITIES

ed by MPFC

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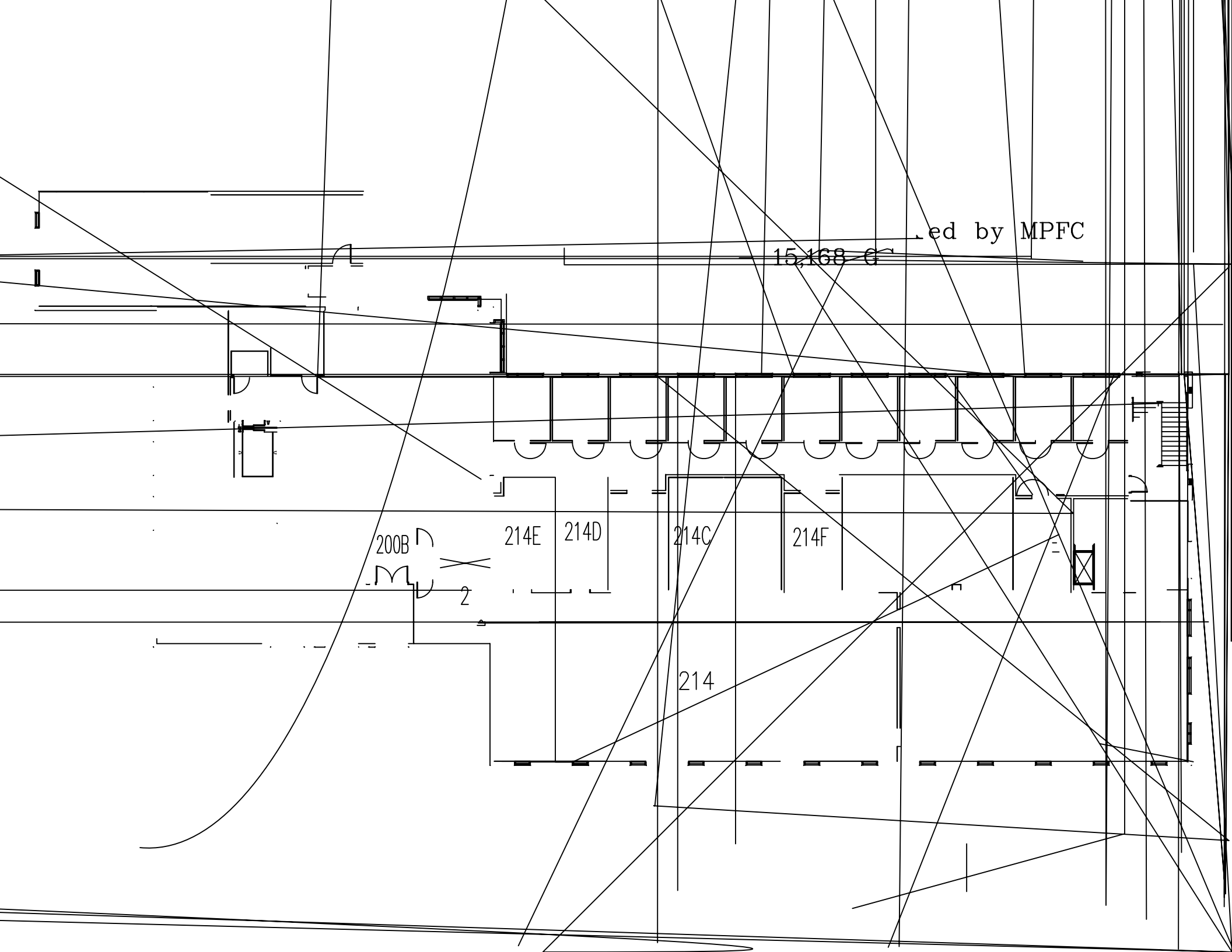
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MACARTHUR
CAMPUS

FAU REST

FACILITY

EXHIBIT C
DESCRIPTION OF PERMANENT FACILITIES