AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
August 23, 2021, at 9:00 a.m.
State Capitol, Room 303
Helena, MT

ACTION ITEMS

0821-1 **Cabin and Home Sites: Final Approval for Sale**
Benefits: University of Montana
Location: Gallatin County

- APPROVED 4-1
- Commissioner Downing Opposed

0821-2 **Easements:** APPROVED 5-0
Benefits: Common Schools, Public Land Trust – Nav. River
Location: Garfield, Hill, Ravalli, Rosebud, and Yellowstone Counties

0821-3 **Informational Item: FY22 Real Estate Project List**
Benefits: Common Schools, University of Montana, Pine Hills, Public Buildings
Location: Butte-Silver Bow, Cascade, Custer, Flathead, Gallatin, Lincoln, Missoula, and Yellowstone Counties

PUBLIC COMMENT
0821-1
CABIN AND HOME SITES:
FINAL APPROVAL FOR SALE
0821-1 Cabin and Home Sites: Final Approval for Sale

<table>
<thead>
<tr>
<th>Sale No.</th>
<th>Acres</th>
<th>Legal Description</th>
<th>Nominator</th>
<th>Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>1117</td>
<td>5.00±</td>
<td>Tract 1, COS 2955, Section 8, T1S-R4E</td>
<td>Michele Koenig &amp; Brett Steinmann</td>
<td>University of Montana</td>
</tr>
</tbody>
</table>

The parcel is currently leased as a home site and produces an average income for residential leases statewide. The parcel will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

Background
Preliminary Land Board approval was granted in April of 2020 (Approved 5-0), and the Land Board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values in March of 2021 (Approved 4-1).

Cultural/Paleontological Resources:
A Class I level of cultural resource inventory was conducted for each of the proposed sales. Home sites typically contain numerous structures and the ground surfaces within most home sites have been variously disturbed over the course of many years of occupation and development. These sales will have no effect to state-owned heritage properties.

Access/Recreational Use:
As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin site sale program that the public is permitted to use for recreation. Rather, the funds generated by these sales will go towards purchasing new lands that will have dedicated public access and recreational opportunities.
Economic Analysis

Short term – The three-year average net lease income on this parcel is $3,973, and the average rate of return on this sale parcel is 1.469%. The income rate of return will likely grow smaller over the next 20 years, as average annual value appreciation is more than double the annual rent increase, as shown in Figure 1.

Figure 1: Review of Past Income and Values, and Forecast Income and Values

![Graph](https://example.com/graph.png)

Forecast assumptions:
1. The average annual appreciation rate of the future DOR lot value used here is 4.71%, based on the FHFA House Price Index for Montana, 2000 - 2020.
2. Lease contract terms provide for a 2% annual rent increase, starting from a base rent of 5% of the most recent DOR valuation.

Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.91% on acquisitions, with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher, ranging from 3.54% on acquisitions purchased within the last three years to 3.21% for lands acquired within the last ten years. Figure 2 shows hypothetical lot values derived from the 3-year average net revenue of the current lease, at a sample range of income rates of return that could be anticipated when the sale proceeds are used for a land banking acquisition.
**Figure 2: Lot Values derived from 3-year Average Net Income at Sample Rates of Return**

<table>
<thead>
<tr>
<th>Income Rate of Return</th>
<th>Rate of Return at Current Appraised Value for Land</th>
<th>Average Rate of Return on all Land Banking Acquisitions within the last 3 years</th>
<th>Average Rate of Return on Land Banking Acquisitions within the last 5 years</th>
<th>Average Rate of Return on Land Banking Acquisitions within the last 10 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derived Lot Value</td>
<td>$270,500</td>
<td>$136,558</td>
<td>$112,256</td>
<td>$123,796</td>
</tr>
<tr>
<td></td>
<td>1.469%</td>
<td>2.91%</td>
<td>3.54%</td>
<td>3.16%</td>
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</tbody>
</table>

**Appraised Values of Land and Improvements:**
The appraisal was prepared by Montana General Certified Appraisers Elliott M. Clark, MAI, of Clark Real Estate Appraisal in Whitefish and Sandra S. Kennedy, MAI, of Kennedy Real Estate Appraisal in Bozeman.

<table>
<thead>
<tr>
<th>Sale No.</th>
<th>Appraised Land Value</th>
<th>Appraised Improvements Value</th>
<th>Final Sale Price</th>
</tr>
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<tr>
<td>1117</td>
<td>$270,500</td>
<td>$207,900</td>
<td>$270,500</td>
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</table>

**Sale Price**
The home site sold at public auction on June 15, 2021. DNRC received a bid deposit from one qualified bidder for the sale who was the current lessee. The site sold for the final sale price listed above.

**DNRC Recommendation**
The director recommends the Land Board grant final approval for the sale of this home site at the value shown above.
0821-2

EASEMENTS:
Land Board Agenda Item
August 23, 2021

0821-2 Easements

Location: Garfield, Hill, Ravalli, Rosebud, Yellowstone

Trust Benefits: Common Schools, Public Land Trust - Nav. River

Trust Revenue: Common Schools = $7,666
Public Land Trust = $1,725

Item Table of Contents

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Right-of-Way Purpose</th>
<th>Term</th>
<th>Page(s)</th>
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<tbody>
<tr>
<td>Northwestern Corporation</td>
<td>Buried 6” Natural Gas Pipeline</td>
<td>30-year</td>
<td>13-14</td>
</tr>
<tr>
<td>ExxonMobil Refinery</td>
<td>Buried Water Pipeline</td>
<td>Permanent</td>
<td>15-16</td>
</tr>
<tr>
<td>Dominic and Elias Murnion</td>
<td>Private Access Road</td>
<td>Permanent</td>
<td>17-18</td>
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<tr>
<td>Iofina Resources, Inc.</td>
<td>Buried Brine Pipeline</td>
<td>30-year</td>
<td>19-20</td>
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<tr>
<td>Montana Department of Transportation</td>
<td>Highway Construction and Maintenance</td>
<td>Permanent</td>
<td>21-22</td>
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</table>
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: NorthWestern Corporation
11 East Park St.
Butte, MT 59701

Application No.: 19121
R/W Purpose: a buried 6" natural gas pipeline
Lessee Agreement: N/A (Nav. River)
Acreage: 0.11
Compensation: $1,625.00
Legal Description: 20-foot strip across the Bitterroot River in the NW4SW4, Sec. 22, Twp. 9N, Rge. 20W, Ravalli County
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

NorthWestern Corporation is requesting an easement under the bed of the Bitterroot River for the purpose of relocating a 6" natural gas pipeline. Currently, this pipeline is suspended on the Stevensville Bridge. Due to the high density traffic over the bridge it is increasingly difficult for NorthWestern to perform maintenance on the pipeline to meet current industry standards and compliance with Dept. of Transportation regulations regarding such maintenance become environmental issues when done over a waterway. The pipeline will be directionally bored under the river to a depth of 15 feet, which is twice the estimated scour depth.

DNRC Recommendation

The director recommends approval of the easement request by NorthWestern Corporation.
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: ExxonMobil Refinery
PO Box 1163
Billings, MT 59103-1163

Application No.: 19122
R/W Purpose: a buried water pipeline
Lessee Agreement: N/A (Nav. River)
Acreage: 0.05
Compensation: $100.00
Legal Description: tract of land in the Yellowstone River adjacent to Gov. Lot 5,
Sec. 24, Twp. 1N, Rge. 26E, Yellowstone County
Trust Beneficiary: Public Land Trust - Nav. River

Item Summary

ExxonMobil Refinery has made application to authorize an existing outfall pipe in the
Yellowstone River associated with their sediment basins. The original pipeline was installed
decades ago and due to more modern technology, the pipeline was replaced under a Land Use
License issued in 2020. The replacement project consisted of installing two concrete anchors in
the riverbed with steel structures to support the pipe. The pipe will sit mainly above the water
except during high water events when ExxonMobil is allowed to discharge from the sediment
ponds. The area requested is a 30’ x 60’ foot tract which will allow for routine maintenance
without requiring additional permitting from DNRC.

DNRC Recommendation

The director recommends approval of the easement for ExxonMobil Refinery.
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dominic and Elias Murnion  
PO Box 115  
Cohagen, MT 59322

Application No.: 19126  
R/W Purpose: a private access road for the purpose of conducting normal farming and ranching operations  
Lessee Agreement: N/A (Historic)  
Acreage: 1.17  
Compensation: $527.00  
Legal Description: 30-foot strip through N2SE4, SE4NE4, Sec. 16, Twp. 11N, Rge. 44E, Rosebud County  
Trust Beneficiary: Common Schools

Item Summary

Dominic and Elias Murnion have made application for the use of an existing road to conduct normal farming and ranching operations. The road has been in place for many years and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access. The State Land is legally accessible by means of Montana Highway 59N, and therefore reciprocal access is unnecessary. The private property of applicant to be accessed is described as:

- All: Sec. 14, Twp. 11N, Rge. 44E, Rosebud County  
- All: Sec. 15, Twp. 11N, Rge. 44E, Rosebud County

DNRC Recommendation

The director recommends approval of the application of Dominic and Elias Murnion.
**APPLICANTS AND RIGHTS OF WAY INFORMATION**

Applicant: Iofina Resources, Inc.  
8480 East Orchard Road, Suite 4900  
Greenwood Village, CO 80111-2912

Application No.: 19128  
R/W Purpose: a buried 12” brine water pipeline  
Lessee Agreement: ok  
Acreage: 2.73  
Compensation: $3,003.00  
Legal Description: 30-foot strip through W2NE4, SE4NE4, NE4SE4, Sec. 14, Twp. 35N, Rge. 11E, Hill County  
Trust Beneficiary: Common Schools

**Item Summary**

Iofina Resources, Inc. has made application to convert an existing Land Use License issued in 2010 to a term easement associated with an existing 12” brine water pipeline. The pipeline is no longer in use and has been purged and cleaned. However, authorization to remain in place on State Land is required. Consistent with standard practice, this easement is recommended to be limited to a term of 30 years.

**DNRC Recommendation**

The director recommends approval of a 30-year limited term easement for Iofina Resources, Inc.
R/W Application 19128
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Application No.: 19129
R/W Purpose: highway construction and maintenance, including occupancy by public utilities as defined in §69-4-101 MCA
Lessee Agreement: ok
Acreage: 9.19
Compensation: $4,136.00
Legal Description: a tract of land in the SW4NW4, SE4NW4, SW4NE4, SE4NE4, Sec. 2, Twp. 18N, Rge. 41E, Garfield County
Trust Beneficiary: Common Schools

Item Summary

MDT is proposing to reconstruct a section of Montana Highway 200, starting 17 miles east of Jordan in Garfield County thence east for 9.4 miles. The scope of the project involves major reconstruction to include 6’ shoulders, centerline and shoulder rumble strips, new drainage structures, and a new bridge over Little Dry Creek. The primary purpose of the project is to improve geometry, reduce the expected occurrence and severity of crashes, provide a smoother roadway, and reduce maintenance costs. The project is in sage grouse core habitat and consultation with the Sage Grouse Program is occurring.

DNRC Recommendation

The director recommends approval of this easement request by MDT.
INFORMATIONAL ITEM:

FY22 Real Estate Project List
## Item Summary

The Trust Lands Management Division (TLMD) is required to identify Real Estate Projects annually through a Project Identification Team (PIT) consisting of Real Estate Bureau and land office staff. The PIT must report their identified Real Estate Projects annually to land board per ARM 36.25.909(3)(A). According to the Real Estate Management Plan:

_A Real Estate Project (Project) is a proposal to develop state trust land for a commercial, industrial, residential or conservation use, or a public facility where no such use existed previously, when one or more of the following are required by a local government: a) subdivision approval; b) annexation; or c) development or amendment of a growth policy or neighborhood plan. Real estate project also means the development of entitlements on state trust lands proposed for sale or exchange._

Nine of the Sixteen Projects are currently generating annual revenue through commercial leasing, and ten of the Projects are in various stages of the commercial leasing process. Two projects have rolled off the PIT agenda due to being fully completed projects.

## Background:

The _Real Estate Management Plan Record of Decision_ (ROD) was approved in July 2005. The ROD provides the TLMD with consistent policy and direction in the selection and implementation of real estate activities on state Trust Lands.

The PIT selected the Projects on the following table in adherence to the ROD. The ROD defines a comprehensive process that includes both extensive site investigation and participation of the public and local units of government. These Projects successfully completed the required analysis which ensures development is physically possible and legally permissible. Further, the Projects meet the three goals of the Real Estate Management Plan:

- **Goal A: Share in Expected Community Growth** – these Projects capture a share of development taking place in Montana’s communities.
- **Goal B: Plan Proactively** – department staff have participated in numerous neighborhood/community meetings and worked closely with local officials during design and ongoing development of these projects. The department works cooperatively with local communities in locating projects in designated growth areas and strategic rural areas.
• **Goal C: Increase Revenue for Trust Beneficiaries** – the selected projects increase revenue from the lands proposed for development and generate the greatest amount of revenue per acre.

The Project list will be made available to the public on the DNRC website.
DNRC has identified the following Real Estate Projects in compliance with the agency’s Real Estate Management Plan.

<table>
<thead>
<tr>
<th>Real Estate Project</th>
<th>Description</th>
<th>Grant</th>
<th>Office</th>
<th>County</th>
<th>Acres</th>
<th>Urban/Rural</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox Farm</td>
<td>Great Falls: Anticipated mixed use development; will require annexation and rezoning of parcel. A portion of the property fronts the Missouri River.</td>
<td>U of M</td>
<td>CLO</td>
<td>Cascade</td>
<td>90</td>
<td>Urban</td>
<td>Active Project: In FY20 the Department received a formal proposal for conservation in lieu of development from Missouri River Open Lands Group to be held by Cascade County. Easement area is currently being surveyed and fundraising efforts are underway by MROLG to fund easement cost of approx. $1,000,000.</td>
</tr>
<tr>
<td>Penwell Bridge</td>
<td>Belgrade: Anticipated commercial development; will require annexation and rezoning.</td>
<td>Common Schools</td>
<td>CLO</td>
<td>Gallatin</td>
<td>120</td>
<td>Urban</td>
<td>Active Project: In FY20, Lease option for Ten acres of the project area exercised – Lease executed on 10/01/2019 for a storage facility which is under construction. 1st year lease income of $14,000. FY21 – RFP released for remaining acreage on 5/21 – closes 8/23/21.</td>
</tr>
<tr>
<td>Bull Pasture Subdivision</td>
<td>Miles City: Commercial/industrial development.</td>
<td>Pine Hills School</td>
<td>ELO</td>
<td>Custer</td>
<td>60</td>
<td>Urban</td>
<td>Active Project: One of five lots are currently under lease. Income generated through commercial lease development in FY21: $7,778.</td>
</tr>
<tr>
<td>Spring Prairie Commercial Infill (Section 36)</td>
<td>Kalispell: Commercial/professional development.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Flathead</td>
<td>530</td>
<td>Urban</td>
<td>Active Project: Lease development on Kalispell’s Section 36 is ongoing. FY21 – option to lease and lease for 22-acre Mountaineer parcel approved at September Land Board. Lease option executed 10/1/2020 &amp; will generate $38,786 in 1st year. Lease will generate 1st year revenue of $106,661 which includes a reduced rent period in first 6 months and jumps to $145,059 for year two when executed. Currently there are 11 active leases on the section. Income generated through commercial lease development in FY21: $940,340</td>
</tr>
<tr>
<td>Cripple Horse Creek</td>
<td>Libby: Anticipated commercial recreation development adjacent to an existing commercial resort on Lake Kookanusa.</td>
<td>Public Buildings</td>
<td>NWLO</td>
<td>Lincoln</td>
<td>162.5</td>
<td>Rural</td>
<td>Project pending market interest.</td>
</tr>
<tr>
<td>Camp Ponderosa</td>
<td>Swan River State Forest: The purpose of the lease is for ‘a veterans training and support center, with commercial facility rental and public camping capabilities.’ The site is currently leased to NW MT Veterans Stand Down and Food Pantry.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Lake</td>
<td>79.06</td>
<td>Rural</td>
<td>The lessees are seeking to pursue approval for the public campground through subdivision review with the Lake County Planning Office and County Commissioners. An RFP was released, and subsequent commercial lease was signed in 2018. All buildings were transferred to the lessee at lease signing. Currently on the property, there are three main buildings (lodge, administration building, and</td>
</tr>
<tr>
<td>Real Estate Project</td>
<td>Description</td>
<td>Grant</td>
<td>Office</td>
<td>County</td>
<td>Acres</td>
<td>Urban/Rural</td>
<td>Status</td>
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<tr>
<td>Olney Crossroads</td>
<td>Olney: The purpose of the lease is for a year-round recreational equipment rental business, with associated facilities and improvements. Located at the intersection of Highway 93 and Upper Whitefish Road, the property is at one of the main entrances of the Stillwater State Forest. The proposed campground will require a lease amendment.</td>
<td>School for Deaf &amp; Blind</td>
<td>NWLO</td>
<td>Flathead</td>
<td>7.28</td>
<td>Rural</td>
<td>The lessees are seeking to pursue approval for the public campground through subdivision review with the Flathead County Planning Office and County Commissioners. An RFP was released, and subsequent commercial lease was signed in 2019. The property was developed in 2019 and 2020 with an office/shop, accommodations for an employee, but did not allow for overnight accommodations for clients and/or guests</td>
</tr>
<tr>
<td>Libby Creek/ Ponderosa Plantation</td>
<td>Libby: Anticipated residential development.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Lincoln</td>
<td>120</td>
<td>Rural</td>
<td>Project pending market interest. A feasibility study resulted in a conceptual design for a residential subdivision with 2.5 acre lots. ROW issues to serve the property with a county road have been resolved. The county recently constructed a road through the property that could potentially serve residential development.</td>
</tr>
<tr>
<td>Libby Golf Club area lands</td>
<td>Libby: Anticipated residential development adjacent to the Libby Golf Club.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Lincoln</td>
<td>640</td>
<td>Rural</td>
<td>Project pending market interest.</td>
</tr>
<tr>
<td>Libby area lands - Cabinet Range View</td>
<td>Libby: Anticipated low density residential development.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Lincoln</td>
<td>800</td>
<td>Rural</td>
<td>Project pending market interest.</td>
</tr>
<tr>
<td>Libby area lands – Koocanusa River View</td>
<td>Troy: Anticipated low density residential development.</td>
<td>Common Schools</td>
<td>NWLO</td>
<td>Lincoln</td>
<td>45.9</td>
<td>Rural</td>
<td>Project pending market interest.</td>
</tr>
<tr>
<td>Skyview Ridge Subdivision</td>
<td>Billings: Mixed use development including lease for commercial development as well as sale of residential parcels.</td>
<td>Common Schools</td>
<td>SLO</td>
<td>Yellowstone</td>
<td>285</td>
<td>Urban</td>
<td>Active Project: FY20 – RFP launched 2/2020 – no proposals. In FY21 the Department will strategize on new approaches to marketing and leasing commercial property on the project area. Income generated through commercial communication site leases in FY21: $29,455.07</td>
</tr>
<tr>
<td>Butte Industrial District</td>
<td>Butte: Commercial/industrial development.</td>
<td>Common Schools</td>
<td>SWLO</td>
<td>Butte – Silverbow</td>
<td>350</td>
<td>Rural</td>
<td>New 2021 Project: Adjacent to Butte Tax Increment Industrial Financing District (TIFID) near Rocker, MT. Inclusion of this property in a new Targeted Economic Development District (TEDD) to succeed the TIFID is being explored. Several active large businesses presently on location in District. Inclusion of State Land into the TEDD would improve access and future industrial growth options. Current Parcel currently generates approximately $2000 yearly from an active grazing lease. State is applying for a zoning request as require or inclusion into the TEDD. An interest letter for a solar farm lease has been received.</td>
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</tbody>
</table>
Projects fully completed and under development FY 21

<table>
<thead>
<tr>
<th>Real Estate Project</th>
<th>Description</th>
<th>Grant</th>
<th>Office</th>
<th>County</th>
<th>Acres</th>
<th>Urban/Rural</th>
<th>Status</th>
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<tr>
<td>Alaska Road</td>
<td>Belgrade: Commercial/industrial</td>
<td>Common</td>
<td>CLO</td>
<td>Gallatin</td>
<td>3.3</td>
<td>Urban</td>
<td>Active Project:</td>
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<tr>
<td></td>
<td>development.</td>
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<td>McKenzie River Pizza,</td>
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<td>$23,048.00</td>
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<tr>
<td>Lewis &amp; Clark Subdivision</td>
<td>Bozeman: Commercial/industrial</td>
<td>Common</td>
<td>CLO</td>
<td>Gallatin</td>
<td>28</td>
<td>Urban</td>
<td>Active Project:</td>
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<td></td>
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<td>Schools</td>
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<td>All lots at Lewis</td>
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<td>Lot 3 which will now</td>
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<td>facility. Block 2,</td>
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