UO, Acquisition of Property

Background:
The University of Oregon seeks the Board's approval to acquire the property currently owned by Williams' Bakery, located on Franklin Blvd, Eugene, Oregon. The following is a resolution to acquire property, but it does include authorization to acquire by purchase or condemnation. The Oregon General Statutes, in Chapter 35, requires a precondition of any governmental condemnation, a resolution of the relevant governing Board. That resolution seeks your determination that this is for a public purpose. The resolution authorizes not only the option of condemnation, but of negotiation with the relevant landowner.

Staff Recommendation:
Staff recommended that the Board authorize Acting Chancellor Pernsteiner, or designee, to complete the proposed purchase of the Williams' Bakery to ensure the timely completion of this project.

(Board action required.)

RESOLUTION

Whereas, under and by virtue of the laws of the State of Oregon, the State Board of Higher Education is authorized to acquire such property as may be necessary for the present and future development of any activities or institutions under its jurisdiction;

Whereas the law provides that whenever in the judgment of the Board it is necessary to acquire property for a purpose for which the Board is authorized to acquire property, the Board shall, after first declaring by resolution such necessity and the purpose for which it is required, attempt to negotiate with the owner with respect to the compensation to be paid therefore and the damages, if any, for the taking thereof;

Whereas the Board believes it appropriate to formally resolve the necessity of the acquisition and to advise the property owner or owners of the Board's resolution, so that the owners might be better able to make plans and to have such tax advantages in the donation, sale or condemnation of the property as result from this resolution;

Whereas the Board finds it necessary that the State of Oregon, by and through the State Board of Higher Education, acquire to the real property situated in the City of Eugene, Lane County, Oregon, that is described on the attached Exhibit A, for the public purpose of establishing and maintaining thereon of public buildings, grounds or facilities for the expansion and development of the University of Oregon.

NOW, THEREFORE, BE IT RESOLVED by the State Board of Higher Education in regular meeting assembled:
1. That the State Board of Higher Education does hereby find and declare that the property in the city of Eugene, Lane County, Oregon, described on Exhibit A, attached, is required for public use, is suitable, proper and necessary for the public purpose of establishing and maintaining thereon public buildings, grounds or facilities for the expansion of the University of Oregon.

2. That the State Board of Higher Education does hereby find and declare that the acquisition of said property in fee is necessary to carry out the proposed expansion and development program.

3. That the Chancellor or designee is directed to attempt to agree with the owner or owners of said real property as to the compensation to be paid for the acquisition; and in the event that no satisfactory agreement can be reached, then, subject to appropriate approval of funding, such officer shall request and authorize the Attorney General of the State of Oregon to commence and prosecute to a final determination such suits, actions and proceedings as may be necessary and appropriate to formally acquire the property described above and determine just compensation to the owner or owners.

4. That upon the trial of any suit or action instituted under the provisions of paragraph 3 above, the Attorney General, or any Assistant Attorney General assigned the case, is authorized to make such stipulation, agreement or admission as in his judgment may be for the best interests of the State of Oregon.

5. That this resolution be entered in the minutes and records of the State Board of Higher Education this ____ day of ______________, 20__.

_______________________
Henry C. Lorenzen
President
State Board of Higher Education

Resolution
Exhibit A

Property Description

Lots 1, 2, 3, 4, 5, 6, 17, 18, 19, 20, 21 and 22, Block 5; Lot 3 to the extent owned by United States Bakery, the South 16 ½ feet of Lot 5, Lot 6, that portion of Lot 7 lying North of a line described as beginning at a point 49.4 feet North of the Southeast corner of said Lot 7, thence West 160 feet to the East line of the alley, Lots 17, 18, 19, 20, 21
and 22, Block 6, AMENDED PLAT OF FAIRMOUNT, as platted and recorded in Book 2, Page 12, Lane County Oregon Plat Records, in Lane County, Oregon;

TOGETHER WITH that portion of the vacated alley in Block 5 lying North of the extended South lines of Lots 6 and 17 and the South line of 13th Avenue; also, that portion of vacated Moss Street lying between the above described Blocks 5 and 6, vacated by Eugene City Ordinance No. 19362, which attached to the above described Lots by operation of law.