

Board of Trustees of the University of Oregon

Resolution: Authorizing Acquisition of Property Rights

Whereas, the University of Oregon (“University”) desires to expand certain campus facilities, including Hayward Field, to improve the University’s ability to provide educational and athletic opportunities for its students; to support the University’s ability to host significant state, national, and international events that promote the University and its students; to bring economic opportunities and benefits to the community and the State of Oregon; and to enhance spectating and training (“Project”);

Whereas, the Project is designed to facilitate the University’s goals and mission of carrying out public missions and services as authorized under ORS 352.039;

Whereas, in order to successfully complete the Project, it is necessary that the University take immediate possession of the real property adjacent to Hayward Field that is currently leased by other parties as described in this resolution;

Whereas, the University has attempted to reach an agreement to acquire the real property adjacent to Hayward Field from the leaseholders without exercising the University’s power of eminent domain;

Whereas, ORS 352.107(1)(L) authorizes and empowers the University to acquire, by condemnation or otherwise, private property that is necessary or convenient; and

Whereas, ORS 35.235 requires the Board of Trustees of the University of Oregon (“Board”) to first declare by resolution the necessity to acquire real property and the purpose for which it is required, and to attempt to agree with the owner of the real property regarding compensation for the property, and the damages, if any, for the taking thereof;

NOW, THEREFORE, the Board hereby:

1. RESOLVES that acquiring SBA 2012 TC Assets, LLC’s (“SBA”), its subtenants’, and any other parties’ interests in a lease of real property located at the southwest corner of Hayward Field is necessary and required to complete the Project. The particular interests that are necessary to the Project, and that the University will acquire, are specifically described in the attached Exhibit A (“Property”), which is incorporated herein by reference as if fully set forth herein;
2. FURTHER RESOLVES that the Project is necessary for the public interest, and has been planned, designed, located and will be constructed in a manner that will be the most compatible with the greatest public good and the least injury to private parties;
3. FURTHER RESOLVES that the immediate possession of the Property is necessary;
4. FURTHER RESOLVES that University staff and legal counsel are authorized and directed to continue their attempts to agree with SBA, its subtenants, and any other parties of interest, as necessary, to compensate them for the acquisition of the Property and for damages. The President of the University or his designee is authorized to make a binding offer of

compensation as described above. In addition, University staff and legal counsel are authorized and directed to continue their attempts to agree with SBA, its subtenants, and any other parties of interest with respect to any other benefits such persons may be entitled to under law, including relocation assistance benefits. This authorization includes the University's engagement and payment of fees and costs of a qualified MAI appraiser to meet the requirements of ORS 35.346, and of a qualified relocation specialist to meet the requirements of ORS 35.510;

5. RATIFIES AND APPROVES all actions to date by University staff and legal counsel taken in connection with acquiring the Property for the Project;
6. FURTHER RESOLVES that, in the event no satisfactory agreement can be reached with SBA, its subtenants, and any other parties of interest, University staff, through its legal counsel, are authorized to commence and complete any legal proceedings that may be necessary to obtain immediate possession of the Property, including exercising the University's power of eminent domain. University staff, through its legal counsel, are authorized to make any stipulations, agreements, or admissions in the course of such legal proceedings as may be in the best interests of the University;
7. FURTHER RESOLVES that a fund will be created in the amount estimated to be just compensation for the Property. This amount will be used to obtain possession of the Property and will be deposited with the clerk of the court in which legal proceedings are commenced for the use of the parties in the proceedings;
8. FURTHER RESOLVES that the President of the University, or his designee, is authorized to execute any other documents necessary for the acquisition of the Property.

Trustee	Yes	No
Ballmer	X	
Bragdon	X	
Chapa	X	
Colas	NP	NP
Curry	X	
Ford	X	
Gary	NP	NP
Gonyea	X	
Kari	X	
Lillis	X	
Paustian	X	
Ralph	X	
Wilcox	X	
Willcox	X	

Dated: 19 of February, 2016.

Initials: 

EXHIBIT A TO RESOLUTION
Parcel 1: Leasehold Acquisition

Property (Legal Description)

A TRACT OF LAND BEING A PORTION OF TRACT F OF THE AMENDED PLAT OF UNIVERSITY ADDITION TO EUGENE, LANE COUNTY, OREGON, AS PLATTED AND RECORDED IN BOOK 2, PAGE 22, LANE COUNTY OREGON PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING N 40°55'36" W, 736.40 FEET FROM A RAIL ROAD SPIKE AT THE CENTERLINE INTERSECTION OF 18TH STREET AND AGATE STREET; THENCE S 89°36'10" W, 22.67 FEET; THENCE N 00°23'50" W, 36.00 FEET; THENCE N 89°36'10" E, 22.67 FEET; THENCE S 00°23'50" E, 36.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 816 SQUARE FEET, MORE OR LESS.