

Board of Trustees of the University of Oregon

Seconded Motion: Authorization to Enter into Lease and License Agreements

Whereas, private philanthropists wish to donate the University of Oregon (“the University”) enhancements to Matthew Knight Arena (“the Arena”) that would improve training, office and operational space for athletic programs housed within the Arena;

Whereas, renovations of and enhancements to the Arena associated with this project will be supported by private philanthropy and not through the University’s operating budget;

Whereas, to facilitate the work on the Arena relative to these enhancements, the University wishes to enter into a lease agreement and a license agreement (collectively, “the Agreements”) with PHIT TOO, LLC (“PHIT TOO”), attached hereto as Exhibit A and Exhibit B, respectively;

Whereas, the Agreements stipulate certain contractor requirements, including provisions pertaining to competitive bidding, prevailing wage, and other requirements applicable under policy and law;

Whereas, Sections 1.7.2 and 1.9 of the University of Oregon’s Policy on the Retention and Delegation of Authority requires approval by the Board of Trustees (the “Board”) for the execution of instruments relating to real property where the anticipated value exceeds \$5,000,000 and for the acceptance of a gift of real estate and/or gifts that create obligations on the part of the University for which there is no established funding source, respectively; and,

Whereas, the Finance and Facilities Committee has referred this matter to the full Board as a seconded motion, recommending adoption;

Now, therefore, the Board of Trustees of the University of Oregon hereby:

1. Authorizes the President or his designee(s) to take all actions necessary and proper to enter into the Agreements attached hereto as Exhibit A and Exhibit B, or into substantially similar Agreements as negotiated by the University, for purposes of managing the construction of enhancements to Matthew Knight Arena;
2. Authorizes acceptance of any gift of property (real or personal) to the University which would come in the form of any increased value to the property resulting from the Agreements and the related project; and,
3. Authorizes all prior actions taken on behalf of the University related to the effectuation of the Agreement and the acceptance and use of the aforementioned property.

Vote recorded on the following page.

VOTE: Voice Vote Recorded – Ayes carried (no dissention)

Date: December 4, 2018

Recorded by the University Secretary: 