

Board of Trustees of the University of Oregon

Resolution: Authorizing Acquisition of Property Rights

Whereas, the University of Oregon (“University”) desires to construct the Phil and Penny Knight Campus for Accelerating Scientific Impact (the “Project”) to train new generations of scientists, engage in new interdisciplinary research, forge ties with industry and entrepreneurs, and create new educational opportunities for graduate and undergraduate students;

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 Franklin Boulevard that is currently owned or leased by other parties as described in this resolution;

Whereas, prior to commencing condemnation proceedings, the University will attempt to reach an agreement for the acquisition of the necessary real property interests;

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

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; and

Whereas, the Finance and Facilities Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending passage.

NOW, THEREFORE, the Board of Trustees hereby:

1. RESOLVES that acquiring the real property described in the attached Exhibit A (“Property”) is necessary and required to complete the Project, 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;

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4. FURTHER RESOLVES that University staff and legal counsel are authorized and directed to continue their attempts to agree with the owners, 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 are authorized to make binding offers of compensation. In addition, University staff and legal counsel are authorized and directed to continue their attempts to agree with 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 the owners, 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 Office of the General Counsel is to draft and implement a fair and equitable process through the crafting of a procedure for affected property owners and tenants to prosecute appeals related to disputes over relocation benefits.
9. FURTHER RESOLVES that the President of the University, or his designee(s), is authorized to execute any other documents necessary for the acquisition of the Property.

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

DATE: December 2, 2016

Recorded by the University Secretary: AW

EXHIBIT A

PROPERTY

**Site Address: 1399 Franklin Boulevard, Eugene, Oregon 97403
(Map & Taxlot No.: 17-03-32-14-01900)**

Beginning at the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56, Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°50'30" East 2409.61 feet along the East line of said Claim No. 56 to the intersection with the Northerly right of way line of Franklin Boulevard; thence South 74°08'15" East 663.61 feet to an iron pin and the TRUE POINT OF BEGINNING; thence North 00°05' East 184.47 feet; thence North 88°30' East 72.19 feet; thence South 00°05' West 91.38 feet; thence South 74°22' East 5.52 feet; thence South 03°08' West 76.87 feet; thence North 74°06' West 1.28 feet; thence South 00°05' West 35.5 feet to the Northerly right of way line of Franklin Boulevard; thence along said Northerly right of way line North 74°08'15" West 75.0 feet to the true point of beginning, in Lane County, Oregon.

ALSO: Beginning at the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56, Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°50'30" East 2409.61 feet along the East line of said Claim #56 to a point on the Northerly right of way line of Franklin Boulevard; thence South 74°08'15" East 738.61 feet along the North margin of Franklin Boulevard to an iron pin marking the TRUE POINT OF BEGINNING and being North 74°08'15" West 635.00 feet from an iron pipe marking the intersection of the East line of the Fielding McMurray Donation Land Claim No. 66 and the Northerly line of Franklin Boulevard; thence North 00°05' East 35.58 feet to a point marked by an iron pin; thence South 74°06' East 1.28 feet to a point marked by an iron pin; thence North 03°08' East 76.87 feet to a point marked by an iron pin; thence North 74°22' West 5.52 feet to a point marked by an iron pin; thence North 00°05' East 91.38 feet to a point; thence North 88°30' East 9.81 feet to a point; thence South 02°49'13" West 205.36 feet to the true point of beginning, in Lane County, Oregon.

Containing more or less 0.34 acres.

**Site Address: 1485 Franklin Boulevard, Eugene, Oregon 97403
(Map & Taxlot No.: 17-03-32-14-01701)**

Beginning at the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56, Township 17 South, Range 3 West of the Willamette Meridian; thence North 0°50'30" East 2409.61 feet along the East line of said claim to the intersection of the Northerly line of the North margin of Franklin Boulevard; then South 74°08'15" East 888.62 feet along the north margin of Franklin Boulevard to a point, said point bearing North 74°08'15" West 484.79 feet from an iron pipe marking the intersection of the East line of the Fielding McMurray Donation Land Claim No.

Finance and Facilities Committee

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Parcel 1: Leasehold Acquisition

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66 and the Northerly line of Franklin Boulevard said point also being the TRUE POINT OF BEGINNING; running thence North 0°05' East 93.52 feet; thence South 074°08'15 East 174.94 feet; thence South 8°47'55" West 90.69 feet to the North margin of Franklin Boulevard; thence North 74°08'15" West 157.67 feet along the North margin of Franklin Boulevard to the true point of beginning, all in the City of Eugene, Lane County, Oregon.

Containing more or less 0.34 acres.

**Site Address: 1475 Franklin Boulevard, Eugene, Oregon 97403-1980
(Map & Tax Lot No.: 17-03-32-14-01700)**

Beginning at the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56 in Township 17 South, Range 3 West of the Willamette Meridian; and run thence North 0°50'30" East 2409.61 feet along the East line of said claim to a point on the Northerly right of way line of Franklin Boulevard; thence South 74°08'15" East 888.62 feet along said right of way line to a point, said point bearing North 74°08'15" West 484.79 feet from an iron pipe marking the intersection of the East line of the Fielding McMurray Donation Land Claim No. 66 and said Northerly right-of-way line of Franklin Boulevard; thence North 0°05' East 93.52 feet to the TRUE POINT OF BEGINNING; and run thence South 74°08'15" East 171.94 feet to a point; thence North 08°47'55" East 115.00 feet more or less to the center of the Mill Race; thence North 00°05'00" East following the center of the Mill Race downstream to a point of the True Point of Beginning, thence South 00°05'00" West 96.50 feet more or less, to the True Point of Beginning, in Lane County, Oregon.

Containing more or less 0.29 acres.

**Site Address: 1525 Franklin Boulevard, Eugene, Oregon 97403-1981
(Map & Tax Lot No.: 17-03-32-14-01300)**

Beginning at the intersection of the North line of Franklin Boulevard with the East line of the Fielding McMurray Donation Land Claim No. 66, Township 17 South, Range 3 West of the Willamette Meridian, in the City of Eugene, Lane County, Oregon and running thence Westerly 255 feet along said North line to the POINT OF THE BEGINNING of this tract, and running thence North to the center of the Mill Race; thence Westerly 54.0 feet down the center of said Mill Race; thence Southerly on a direct line to a point on the North line of Franklin Boulevard Westerly from the point of beginning; thence Easterly 86 feet along said North line to the point of beginning, in Lane County, Oregon. Except right of way for Mill Race.

**Site Address: N/A (located north of 1535 Franklin Boulevard, Eugene, Oregon 97403-1981)
(Map & Tax Lot No.: 17-03-32-14-01200)**

Beginning at the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56, Township 17 South, Range 3 West of the Willamette Meridian; thence North 00°50'30" East

2409.61 feet along the East line of said Claim No. 56, to the North line of Franklin Boulevard; thence South 74°08'15" East 1373.38 feet to a point on the East line of the Fielding McMurray Donation Land Claim No. 66, Township 17 South, Range 3 West of the Willamette Meridian said point being South 00°14' West 910.94 feet from the stone marked C.S. marking the Northwest corner of County Survey No. 380, said point also being the Southwest corner of Lot 1, Block 1, AMENDED PLAT OF FAIRMONT as platted and recorded in Book 2, page 12, Lane County Oregon Plat Records, in Lane County, Oregon; thence North 00°14' East 311.0 feet along the East line of said Claim No. 66 and the West line of said Lot 1, Block 1, AMENDED PLAT OF FAIRMOUNT, Lane County, Oregon, to an iron pin; thence North 89°46' West 50.00 feet to a point, said point being the TRUE POINT OF BEGINNING of this description; thence North 78°30'20" West 169.89 feet to a point; thence South 00°14' West to a point on the north line of Franklin Boulevard; thence South 74°08'15" East along said North line 175 feet more or less to the Southwest corner of that parcel of land described in Warranty Deed from John G. Foster, et al., to the State of Oregon, acting by and through the State Board of Higher Education, recorded December 19, 1966, Reception No. 69750, Lane County Oregon Records; thence North 00°14' East 212.04 feet to the true point of beginning, all in Lane County, Oregon.

EXCEPT: Any portion in parcel 1201.

EXCEPT: That portion into Riverfront Parkway by Circuit Court No. 16-90-06756 and R1758/9223556 for 1992.

**Site Address: 1535 Franklin Boulevard, Eugene, OR 97403-1981
(Map & Tax Lot No.: 17-03-14-01201)**

Beginning at a point which is 2409.61 feet North 0°50'30" East and South 74°08'15" East along the north line of Franklin Boulevard 1148.38 feet from the Southeast corner of the Hilyard Shaw Donation Land Claim No. 56 in Township 17 South, Range 3 West, Willamette Meridian, in Lane County, Oregon; said point being North 74°08'15" West 225 feet from the Southwest corner of Lot 1 Block 1 AMENDED PLAT OF FAIRMONT; thence South 74°08'15" East 175 feet along said north line of Franklin Boulevard to a point 50 feet North 74°08'15" West from the Southwest corner of said lot; thence North 0°14' East 150 feet, parallel with the west line of said lot; thence North 74°08'15" West 175 feet, parallel with the north line of Franklin Boulevard; thence South 0°14' West 150 feet to the place of beginning.

EXCEPT: 0.11 acre into Riverfront Parkway by Circuit Court No. 16-90-06756 and R1758/9223556 for 1992.

EXCEPT: Less than 0.01 acre (27 square feet) to Franklin Boulevard by 2004-075868 for 2005 (LTD).