

October 18, 2001

02-044

AUTHORIZE STAFF TO EXECUTE A REVISED RIGHT OF WAY DEDICATION (ACCESS TRACT) AGREEMENT WITH BEAVERTON SCHOOL DISTRICT

PREPARED BY: Roger Cardinal, Manager, Procurement & Risk Services

FINANCIAL RESPONSIBILITY: Randy McEwen, Vice President, Administrative Services

APPROVED BY: Randy McEwen, Vice President, Administrative Services
Jesus "Jess" Carreon, President

REPORT: In July the PCC Board authorized an agreement with Beaverton School District (BSD) and Washington County (County) that would facilitate BSD's purchase of 10 acres of property directly adjacent to the eastern boundary of the Rock Creek Campus. BSD desired to create the parcel by a lot line adjustment, However, the County requires that parcels have access to a public right-of-way. BSD approached PCC requesting PCC provide an "access tract" on the Rock Creek campus property between the BSD parcel and Springville Road. PCC and BSD counsel negotiated an agreement that provided assurances that the access tract would have limited use and be returned to PCC at the time BSD or its successor developed the subject parcel. The County was to be a party to the agreement. BSD informed PCC that the County would accept the access tract as meeting the right-of-way requirement. BSD then proceeded to obtain the lot line adjustment creating the parcel. However, subsequent to that approval BSD was informed that the County would not accept the access tract as satisfying the right-of-way requirement.

BSD approached PCC again. PCC counsel met with BSD counsel and the County Counsel to review this matter. The County staff advised that although they could not accept the access tract agreement they would support modifications to

the BSD lot line adjustment conditions that would similarly limit the use of the right-of-way. Attorneys for the County, BSD and PCC have reached tentative agreement on modified language to the BSD lot line adjustment conditions, that would be acceptable to the County. Although the modifications are not as limiting as the earlier agreement, they do provide certain assurance on the use of the right-of-way. A tentative agreement has also been drafted that would supercede the earlier agreement, acknowledges the new approach of limiting use of the right-of-way by way of the land use conditions and imposes further contractual conditions on BSD.

In the event the PCC Board authorizes staff to execute the revised agreement, BSD would apply for the lot line adjustment condition modifications and upon approval by the County PCC would dedicate the subject right-of-way to the public. BSD has been advised that given this new approach to assisting BSD there are no assurances that the PCC Board will authorize the revised agreement.

RECOMMENDATION:

That the Board authorize staff to negotiate with BSD on this matter and to complete the agreement if PCC's interests as described in the earlier Board Resolution are protected.

President Carreon asked to have Resolution 02-044 removed from the agenda.