

January 19, 2006

06-046

AUTHORIZATION TO PURSUE PROCUREMENT  
OF THE FEDERAL BUILDING AND PROPERTY  
LOCATED AT 511 NW BROADWAY

PREPARED BY: Randy McEwen, Vice President, Administrative Services

APPROVED BY: Dr. Preston Pulliams, District President

REPORT: WHEREAS, certain real property owned by the United States of America, located in the County of Multnomah, State of Oregon, has been declared surplus to the needs of the Federal government and is subject to assignment for disposal for educational purposes by the Secretary of Education, under the provisions of Section (203)(k)(1)(a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) (Act), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as being located at 511 NW Broadway; Portland, Oregon.

WHEREAS, Portland Community College, (PCC) needs and can utilize said property for educational purposes in accordance with the requirements of the said Act and the rules and regulations promulgated thereunder of which this Board is fully informed, including commitments regarding use and time within such use shall commence.

NOW, THEREFORE, BE IT RESOLVED, that Portland Community College, shall make application to the Secretary of Education for, and secure the transfer to it of, the above-mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions and restrictions as the Secretary of Education, or his authorized representative may require in connection with the disposal of said property under said Act and rules and regulations issued thereto; and

BE IT FURTHER RESOLVED, that Portland Community College has legal authority and is willing and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Dr. Preston Pulliams, District President, is hereby authorized, for and on behalf of the Portland Community College to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution including the preparing, making and filing of plans, applications, reports and other documents; the execution, acceptance, delivery and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof including fees or costs incurred in connection with the transfer of said property for surveys, title searches, real estate appraisals, recordation of instruments or costs associated with escrow arrangements; together with any payments necessary by virtue of nonuse or deferral of use of the property. If the applicant is unable to place the property into use (or determines that a deferral of use should occur), IT IS UNDERSTOOD AND AGREED that Portland Community College will pay to the United States Department of Education for each month of nonuse beginning twelve (12) months after the date of the deed, or thirty-six (36) months where construction or major renovation is contemplated, the sum of  $1/360^{\text{th}}$  of the then current fair market value of the property for each month of nonuse.

If submission of the Application for Public Benefit Allowance Acquisition of Surplus Federal Real Property for Educational Purposes is approved, a copy of the application and standard deed conditions will be filed with the permanent minutes of the Board  
Portland Community College Board of Directors  
12000 SW 49<sup>th</sup> Ave  
Portland, Oregon 97219

I, Harold Williams, hereby certify that I am the Chair, of the Portland Community College Board of Directors and that the forgoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said Portland Community College Board of Directors present at a meeting of said Board on the 19 day of January 2006, at which a quorum was present.

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Harold Williams

This resolution was not signed by the Board Chair because of administrative decision to not acquire this building.