

October 15, 2009

10-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF
PORTLAND COMMUNITY COLLEGE, DECLARING THE
NECESSITY OF ACQUIRING CERTAIN REAL
PROPERTY, AND AUTHORIZING THE PRESIDENT OR
HIS DESIGNEE TO NEGOTIATE THE PURCHASE OF
THE PROPERTY AND/OR TO INSTITUTE EMINENT
DOMAIN PROCEEDINGS PURSUANT TO ORS
CHAPTER 35 TO ACQUIRE THE PROPERTY FOR
PUBLIC USE

PREPARED BY: Jeff Condit, College Counsel, Miller Nash, LLP
Randy McEwen, District Vice President

FINANCIAL
RESPONSIBILITY: Randy McEwen, District Vice President

APPROVED BY: Dr. Preston Pulliams, District President

REPORT: PCC has experienced unprecedented growth in its student population over the past ten years. The need for additional educational facilities to serve this growth throughout the PCC District contributed to the necessity and passage of the \$374 million bond measure in November 2008. Nowhere is this demand greater than in SE Portland, which the Board realized when it authorized the creation of the new SE Center in 2001, and when it determined that a comprehensive PCC campus was needed to serve the SE area into the future. PCC has determined that an expansion of the existing SE Center is needed to meet the increased need for educational services in the southeast Portland area.

PCC has investigated properties adjacent to and near the Southeast Center that could meet that need. PCC has determined that a parcel of approximately 5.17 acres of commercially and residentially zoned land at 7705 SE Division St. (1S2E05DD 3300) and 7901 SE Division St. (1S2E05DD 3400), Portland, Oregon (the "Property"), as shown on Exhibit A, is the most suitable property for the expansion. In April 2009, PCC contacted the owner of the Property, and since that time PCC has been negotiating with that owner, but has been unable to reach agreement.

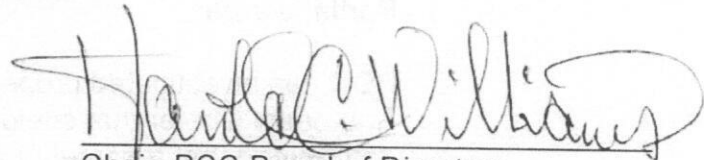
ORS 341.311 authorizes and empowers PCC to acquire any real property necessary for college purposes by condemnation.

RECOMMENDATION: That the Board resolve that it is necessary for PCC to acquire the Property for the expansion of the Southeast Center. The President or his designee (the "President") is hereby directed to take any and all lawful action, whether necessary or convenient, to acquire the Property for PCC for the above-noted purposes, including, but not limited to (1) the negotiation of consensual sales with the Property owners, and (b) directing PCC's legal counsel to institute an action or actions in Multnomah County Circuit Court to condemn the Property pursuant to ORS Chapter 35. The President may elect to acquire or take the property subject to any existing leases.

The President shall report to the PCC Board of Directors (the "Board") from time to time on progress made in acquiring the Property.

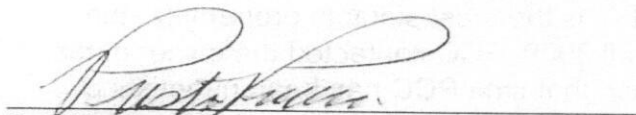
The President is hereby delegated the authority to approve and execute a purchase and sale agreement or other agreement to acquire the Property, renegotiate any existing leases consistent with the College's needs, or to agree or stipulated to a settlement of any eminent domain proceeding, subject to consultation with and approval of the Board chair, and approval as to form by College legal counsel.

DATED THIS 15th day of October 2009.



Chair, PCC Board of Directors

ATTEST:



President

EXHIBIT A

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SE1/4 SE1/4 SEC. 5 T.1S. R.2E. W.M.
MULLINOMAH COUNTY

IS 2E SDD
PORTLAND



SEE MAP IS 2E 50C

APPROX. 1/16 COR.

SEE MAP IS 2E SDA

SEE MAP IS 2E 4CC

CANCELLED NO.
400
HARRISON
ST.
APPROX.
1/16 COR.
3101