

May 19, 2011

11-117

DECLARATION OF NECESSITY TO ACQUIRE REAL
PROPERTY FOR THE SOUTHEAST CAMPUS

PREPARED BY: Randy McEwen, District Vice President

FINANCIAL
RESPONSIBILITY: Randy McEwen, District Vice President

APPROVED BY: Dr. Preston Pulliams, District President

REPORT: PCC has determined that expansion of the existing Southeast Center into a comprehensive campus is necessary to meet the increased need for educational services in the southeast Portland area. Such expansion was planned for and intended to be implemented through the PCC bond measure approved by the voters in November of 2008.

PCC has retained consultants to analyze the suitability of real property at 2125 SE 82nd Ave., Portland, Oregon 97216 (property description attached as Exhibit 1) comprising approx. 50,070 sq. feet (the "Property"). PCC has completed an appraisal and an environmental assessment of the Property. The Property is owned by AMERCO Real Estate Company, and is used as a property storage and equipment rental site for U-Haul equipment and services. PCC has determined that the Property is the most suitable property for expansion of the Southeast Center Campus.

Board Resolution 11-055 of December 16, 2010 authorized the District President or his designee, in consultation with the Board Chair and College counsel as is the College's practice, to attempt to negotiate the purchase of the Property from AMERCO on a voluntary basis. Little significant progress has been made in response to the College's offer to purchase the property for \$1,700,000.

PCC has funds available to acquire the Property and it is necessary for PCC to acquire the Property for the development of PCC's Southeast Campus.

ORS 341.311 authorizes and empowers PCC to acquire any real property necessary for college purposes by eminent domain pursuant to ORS Chapter 35. Staff recommends that the Board adopt a resolution authorizing the exercise of eminent domain to acquire the property pursuant to ORS 35.235.

RECOMMENDATION: That the Board adopt the following Resolution of Necessity:

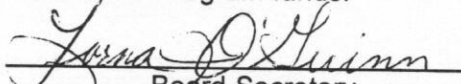
It is necessary for PCC to acquire the Property for the development of the Southeast Center into a comprehensive campus.

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 a consensual purchase with the Property owner, and (b) directing PCC's legal counsel to institute an action or actions in Multnomah County Circuit Court to acquire the Property by eminent domain pursuant to ORS Chapter 35.

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, negotiate or renegotiate any existing leases consistent with the College's needs, or to agree or stipulate 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.

Funds for the purchase of this property will come from 2008 Bond Program funds.


Board Secretary

May 19, 2011
Date adopted

EXHIBIT 1

Real property in the County of Multnomah , State of Oregon, described as follows:

PARCEL I:

THAT PORTION OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE WEST LINE OF SE 82ND AVENUE 685.75 FEET SOUTH OF THE SOUTH LINE OF SE MILL STREET (FORMERLY LINDSTROM AVENUE IN TABORSIDE, A RECORDED PLAT);
THENCE SOUTH 89°47' WEST AN PARALLEL WITH THE SOUTH LINE OF SE MILL STREET 231.35 FEET TO THE EAST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO EASTGATE THEATER, INC., AN OREGON CORPORATION, BY DEED RECORDED MARCH 22, 1966 IN BOOK 477, PAGE 0358;
THENCE SOUTH ALONG SAID EAST LINE 205.75 FEET, MORE OR LESS; TO THE SOUTH LINE OF THE STARR DONATION LAND CLAIM;
THENCE ALONG THE SOUTH LINE OF THE STARR DONATION LAND CLAIM SOUTH 88°55' EAST 230.50 FEET TO AN IRON PIPE ON THE WEST LINE OF SE 82ND AVENUE;
THENCE NORTH ALONG THE WEST LINE OF SE 82ND AVENUE 219.63 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL II:

AN EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN DOCUMENT RECORDED FEBRUARY 10, 2006 AS FEE NO. 2006-025985.