

September 19, 2019

20-046

RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY IN
SCAPPOOSE FOR THE OREGON MANUFACTURING
INNOVATION TRAINING CENTER

PREPARED BY: Linda Degman, Director, Planning and Capital Construction

FINANCIAL
RESPONSIBILITY: Sylvia Kelley, Executive Vice President
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REPORT: PCC is declaring the public need for certain real property, the necessity of said real property and exercising the power of eminent domain, if necessary, to acquire said real property in Columbia County, Oregon, described on Exhibit D and shown on Exhibit E hereto, commonly known as 3290 West Lane Rd, Scappoose, OR 97056 ("Subject Property") for the purpose of establishing a new Oregon Manufacturing Innovation Training Center ("OMIC"), an educational program that is authorized by the Oregon Legislature by delegation of authority in ORS chapter 341.

The Board of Directors for the Portland Community College District ("Board") has delegated authority from the Oregon Legislature to acquire real property for the use, support or benefit of any activity under the control of the Board pursuant to ORS 341.290 (5), (12) and (20).

The Board has delegated authority from the Oregon Legislature to obtain by condemnation title to any land it is authorized to acquire, pursuant to ORS 341.311, by filing in court an appropriate action under, and following the procedures of ORS chapter 35.

The Subject Property is located within the Portland Community College District.

The Board attempted to acquire the Subject Property by a purchase and sale agreement pursuant to Resolution 16-108 which was agreed to by the owner on October 22, 2018.

The owner recently renegeed and refused to close in escrow the purchase and sale agreement after the District staff had spent five months obtaining approval by the City of Scappoose for the

construction of the OMIC and engaged a construction contractor (which contract is now in “delay” status).

The Board has determined that there is a public need for the OMIC Training Center and that the Subject Property is necessary for the construction and operation of the OMIC to the benefit of the citizens and businesses of Columbia County.

The proposed OMIC is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

The District staff has caused an independent appraisal to be commissioned to establish just compensation for the acquisition in fee of the Subject Property.

RECOMMENDATION: The foregoing statements of authority and need are reaffirmed herein. The Subject property is needed for the construction and operation of the OMIC Training Center and that the acquisition is in the public interest, has been and will be planned, designed, located and constructed in a manner which will be most compatible with the greatest public good and the least private injury.

The Board hereby exercises its delegated power of eminent domain to acquire by condemnation and to take immediate possession of the Subject Property in order to begin construction as soon as possible.

The District staff and legal counsel are directed to make a last attempt, through a condemnation 40-day offer letter, to reach agreement with the owner as to just compensation for the purchase of the Subject Property based on the appraisal to be received, and, if such an attempt is unsuccessful, without further action of the Board, the staff and legal counsel are authorized to file a condemnation complaint in court under ORS chapter 35 naming as defendants all persons or entities having or claiming an interest in the Subject Property other than those which may be in the best interest of the District to allow to exist.

If the District staff and legal counsel reach agreement with the owner as to just compensation for the Subject Property, staff and legal counsel are authorized to negotiate and execute an agreement that will convey immediately the Subject Property in fee to the District.

Upon the trial of any suit or action instituted to acquire the Subject Property, condemnation legal counsel and District staff are hereby authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the District.