

-Important Note: Any reference to Oregon University System or OUS refers instead to the Oregon Institute of Technology -

580-060-0000

Authority

These rules establish the procedures that will be followed by Public Universities of the Oregon University System to acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, improve, and develop all real property of the Public Universities under the control of the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0005

Definitions

All capitalized terms in chapter 580, division 60 have the meanings set forth in OAR 580-061-0010 unless the context requires otherwise or except as stated.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0010

Comprehensive Plan Coordination

Each of the Public Universities will maintain a long-range campus development plan covering all real property under its control and management. The combined Public University plans will be known as the Oregon University System Comprehensive Plan. Institutional plans, and revisions thereof, will be approved by the President and by the Chancellor or designee. The Chancellor or designee will approve revisions to the campus boundaries.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0015

Records

Each OUS Public University will maintain the official records of all documents that affect real property under its control and management. Documents affecting real property include, but are not limited to, all instruments that acquire, transfer, sell, or alter the character of land.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0020

Purchase of Real Property

- (1) All purchases of real property will be for the present or future development of the Public University.
- (2) Legal title to all real property purchased must be taken and held in the name of the State of Oregon.

(3) The President is delegated the authority to execute conveyances for the purchase of real property after the following have been performed to satisfaction of the President:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value;

(b) Complete an environmental assessment and determine that any risk associated with the real property is reasonable;

(c) Determine that sufficient ongoing revenues are available to operate and maintain the property

(4) If the consideration for the purchase is \$5,000,000.00 or more, the President must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0025

Gifts of Real Property

(1) Legal title to all real property gifted to a Public University must be taken and held in the name of the State of Oregon.

(2) The President is delegated the authority to execute conveyances for the gift of real property after the following have been performed to satisfaction of the President:

(a) Complete an environmental assessment and determine that any risk associated with the real property is reasonable under the circumstances;

(b) Determine that sufficient ongoing revenues are available to operate and maintain the property.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0030

Condemnation

Acquisition of real property by condemnation will be conducted in accordance with ORS Chapter 35 and must be approved by the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08

580-060-0035

Sale of Real Property

(1) The university president is delegated the authority to execute conveyances for the sale of real property after the following have been performed to satisfaction of the university president:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value;

(b) Verify with the Chancellor's Office regarding whether any tax exempt financing was used to purchase or improve the property and, if any such debt remains outstanding, coordinate with the Chancellor's Office to ensure continued compliance with IRS regulations.

(2) If the consideration for the sale is \$5,000,000.00 or more, the university president must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0040

Easements

(1) The President is delegated the authority to execute easements and other nonpossessory interests in real estate.

(2) If granting an easement, the President shall first verify with the Chancellor's Office regarding whether any tax exempt financing was used to purchase or improve the property and, if any such debt remains outstanding, coordinate with the Chancellor's Office to ensure continued compliance with IRS regulations.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0045

Use of Board Property

(1) If a Public University intends to lease or license real property owned by the Board and either (a) the term of the lease or license exceeds 50 days in total or (b) the arrangement was not set at fair market value, then prior to the execution of the lease or license, the President or designee will confer with the OUS Controller's Division to determine compliance with bond restrictions.

(2) The President or designee will obtain prior approval of the State Board of Higher Education or an appropriate standing committee of the Board for agreements permitting the construction on or renovation to Board-owned property if such improvements exceed \$5 million during the term of the agreement. To obtain approval from the State Board of Higher Education or an appropriate standing committee of the Board, the Public University must specify where funding for operations and maintenance will come from.

(3) If the Public University permits construction on or renovation to Board-owned property, the Public University must approve all plans and specifications prior to the commencement of work and obtain record drawings upon termination of the agreement or completion of the work, whichever first occurs.

(4) Public Universities normally will not make available Public University buildings and other facilities to individuals for essentially private use or to outside organizations, unless approved in Public University policy or required by law. Exceptions will be made only if the proposed use is consistent with Public University policies and missions and the individual or organization fully reimburses the Public University for all appropriate costs.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0050

Leases

(1) A President is delegated the authority to execute leases of real property.

(2) If the consideration for the lease is from \$5,000,000 to \$15,000,000 or the term of the lease is over 10 years but less than 15 years, the President must receive the prior approval of the Chancellor.

(3) If the consideration for the lease is over \$15,000,000 or the term of the lease is over 15 years, the President must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board.

(4) Prior to executing an amendment to a lease, the President must receive approval under subsection (2) or (3) based on the consideration or term of the amended lease.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 4-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12; Administrative correction, 5-25-12; OUS 9-2012, f. & cert. ef. 6-18-12; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13

580-060-0055

Naming Buildings

A President is authorized to name buildings. No building or structure of the Oregon University System will be named after a living person. However, the Chancellor, or designee may make exceptions to this rule if a donor contributes a substantial share of the cost of construction or if other unusually meritorious reasons exist.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 1-2013(Temp), f. & cert. ef. 4-10-13 thru 9-30-13; OUS 5-2013, f. & cert. ef. 11-1-13