

School board will vote on eminent domain Nov. 13

By **DEREK WILEY**
Of the Keizertimes

No one gave public comment at Tuesday's Salem-Keizer school board meeting, regarding the district using eminent domain to acquire 6.18 acres of vacant land from St. Edward Catholic Church in order to expand McNary High School.

The item was presented as a first reading with staff recommending the board adopt the resolution at its Nov. 13 meeting.

The existing site of McNary owned by the district is fully developed and

additional land is needed to achieve the goals of expanding the existing school buildings, reconfiguring the traffic circulation pattern, meeting parking requirements and relocating athletic fields.

When asked by a member of the school board what would happen if the district didn't acquire the land from the church, Michael Wolfe, the school district's chief operations officer, said the district would have to look for 6 acres elsewhere, and while part of the process is to minimize disruption, one option for

the board to consider is acquiring nearby residential neighborhoods.

Without the McNary expansion, Wolfe said, "We don't meet the goals that were stated to the community when we introduced the bond."

The school district believes there are opportunities to still find common ground with St. Edward but an agreement to purchase the property must be reached by Dec. 15 in order to complete the renovations on time—end of August, 2019.

24J: 'That would have a very detrimental impact'

(Continued from Page A1)

for the purpose of expanding the school.

"The school and the church have always been great neighbors and we started with talks about purchasing a portion of the land and maybe leasing other parts. They've had more time to think about it and now they don't want to sell their land," Wolfe said.

Wolfe said the district's first choice has always been to purchase the land outright, but that was never a consideration for St. Edward's leadership, said Rev. Gery Zerr.

"We had some preliminary discussions with the district about potentially selling or leasing a portion of the parish's property. But we were never interested in selling all of the bare land that the district now wants to acquire. That would have a very detrimental impact on the parish's future," Zerr said.

Zerr said the school district came forward with an "unacceptable appraisal of the bare land, far below the fair market value." He added that no written offer for lease or purchase was ever made.

"In our view, the district's discussions were not made in good faith. Then, this past summer, the district told us that it wants to acquire all of our bare land. The district also told us in no uncertain terms that the parish has no choice in the matter – if we refuse to sell, the district will sue us and take 6.18 acres by eminent domain," Zerr said.

In addition to Zerr, the St. Edward church business manager and chair of its facilities department have been included in the evaluation of the district's proposals.

The school board held a reading of a resolution of necessity, the first step in starting eminent domain processes, at its meeting Tuesday, Oct. 23. School board members will vote on any next steps at its Nov. 13 meeting.

School District Spokesperson Lillian Go-

vus was unable to comment on what led to the breakdown of negotiations, but added that construction at McNary for bond-paid improvements is still planned for 2019.

"We began negotiations nearly a year ago, so it was our hope that they would have been completed by this time," Govus said.

The six acres being targeted for the eminent domain process would become softball fields and tennis courts, but it's essential to expanding the number of classrooms, which is displacing existing fields and parking space. Reconfiguring parking is one of the highest priorities leading up to the bulk of the construction effort. The district's goal is to establish a new traffic flow by the beginning of the 2019-20 school year. Keeping on track will require a deal for the church-owned land to be struck by Dec. 15, 2018.

Wolfe said the intent of the move is not to throw the church or its leadership "under the bus" but the district intends to move quickly to stay on its bond-funded construction schedule. If the eminent domain process is successful the church would still be compensated.

Zerr said the move toward exercising eminent domain was disappointing on several levels.

"The parish is disappointed with the school district's approach on this matter, as we have always supported McNary and have been a good community supporter in the past. We are praying for a peaceful resolution, but we will, of course, have no choice but to defend our Constitutionally-guaranteed rights if the district follows through on its threat to sue us to take our property," Zerr said.

The last time the school district used eminent domain processes to obtain land for schools was during the construction of Straub Middle School and Kalapuya Elementary School in West Salem.

GROWTH, continued from Page A1

City of Donald to the list.

"Donald expanded 80 acres last month and they worked together with all their partners," Carnahan said. The partners mentioned were some of the same ones that opposed other attempts to expand UGBs.

If all those hurdles were cleared, Keizer would still need to decide whether expansion was worth the cost. Any new land would need to be hooked up to water, sewer and power grids and that would likely mean an increase to system

development charges (SDCs), which would drive up costs of any new homes and might scare away investment. Bolen noted that Keizer's existing SDCs are already "surprisingly low."

Bolen said there are two dominant schools of thought on growth. The first is that growth should pay for itself. The second is that investing in growth pays off over time in taxes on new and redeveloped property. However, with Keizer's frozen property tax rate of a little more than \$2 per \$1,000 of assessed value, recouping costs would likely take years.

One of the few silver linings in Bolen's report was that Keizer could absorb about half the expected housing need by simply upzoning multifamily properties near River Road to commercial mixed zones. While the city could change the zones with relative ease, attracting reinvestment might prove more difficult.

"That might require catalytic projects where the city puts some skin in the game – gets concessions from developers – and proves the market for other investment," Bolen said. "Even though it wouldn't change the city overnight it would change the city over time."

DOMAIN, continued from Page A1

meeting, and board members approve moving forward, the eminent domain process begins in earnest.

At that point, either as part of the meeting or shortly afterward, the district will make an offer for the land based on an appraisal of its fair market value. St. Edward's leadership will then have 40 days to accept or reject the offer. If the offer is rejected, the matter will go to trial in civil court or into arbitration.

Once the courts or an arbitrator are involved the church will have the opportunity to present a competing appraisal.

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