

Proposed Standards for State Board in reviewing requests by university or community college trustees for the authority to exercise the power of eminent domain:

Section 1013.25 basically sets out two conditions that a party requesting the authority of eminent domain from the board must satisfy. First, that it is necessary for the welfare and convenience of the institution to acquire private property, and secondly that it cannot be acquired by agreement with the private parties who own the property. Based on this statute, it appears that the State Board's role is comparable to that in that in the former context of reviewing university presidents selections, in that the board is not opining on the merits of the proposed selection, but is more concerned with whether the appropriate process has been followed. Any questions as to appropriate valuation of the property and is the taking for a public purpose are question that will be entertained in the eminent domain process itself.

In the instant case, we have a formal resolution of the board of trustees making all that requisite findings as to necessary for welfare and convenience of the Chastain campus; we have a history of a six year attempt to negotiate for this property; and we have the inability of the parties to agree on a price for the property, with the community college having offered approximately one million, which is the appraised value, but the property owners asking for 4.25 million. It therefore appears that appropriate process has been followed, and the statutory requirements have been met.