



Sam  
Adams  
Commissioner

Susan D.  
Keil  
Director

Don  
Gardner  
Engineering &  
Development

Lavinia  
Gordon  
System  
Management

Suzanne  
Kahn &  
Eric  
Peterson  
Maintenance

John  
Rist  
Business  
Services

Paul  
Smith  
Planning

## SUMMARY OF REMONSTRANCES

June 6, 2007

Create a local improvement district to construct street and bridge improvements from the Columbia Slough to Alderwood Road in the NE 92nd Drive Local Improvement District (Hearing; Ordinance; C-10020)

### I. SUMMARY.

Remonstrances representing owners of 24 of the 151 properties in the NE 92nd Drive Local Improvement District were received by the filing deadline registering a remonstrance against the split rate assessment methodology of the local improvement district (see Attachment No. 1 through Attachment No. 7 in this Exhibit O). City Council retains jurisdiction over formation of the local improvement district since the total remonstrance level is less than the 60% threshold set by Section 9-403 of the City Charter.

### II. SPECIFIC RESPONSES TO THE SUBSTANTIALLY SIMILAR REMONSTRANCES INDIVIDUALLY FILED BY MULTIPLE PROPERTY OWNERS.

Multiple property owners submitted substantially similar remonstrances. See Attachment 1 through Attachment 7.

### ISSUES RAISED BY THE REMONSTRANCES:

Issue No. 1: The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge, pedestrian and stormwater improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than as special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID.

#### Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 1 of this Ordinance.

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Issue No. 2: Alternatively, the proposed capital improvements of street, bridge, pedestrian and stormwater will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 3 of this Ordinance.

Issue No. 3: The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) There is no evidence showing that the methodology is based on a special benefit to properties within the District, and 3) The trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 4 of this Ordinance.

Issue No. 4: The property owner reserves the right to raise other objections to the proposed assessment noted above.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 2 of this Ordinance.

Issue No. 5: The improvements are not likely to increase the value of developed properties demonstrating that the proposed that the proposed assessment is not tied to special benefit to the property as required by law.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 5, finding "f" of this Ordinance.

### **III. SPECIFIC RESPONSES TO THE LATE OBJECTION FILED BY VENTURA FOODS.**

A late objection by Ventura Foods, LLC was submitted by Daniel McCarrel, vice president and associate general counsel for Ventura Foods, LLC. The untimely objection is attached to this Exhibit N as Attachment 8.

Issue No. 1: The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge, pedestrian and stormwater improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than as special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID.

#### Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 1 of this Ordinance.

Issue No. 2: Alternatively, the proposed capital improvements of street, bridge, pedestrian and stormwater will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

#### Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 3 of this Ordinance.

Issue No. 3: The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) There is no evidence showing that the methodology is based on a special benefit to properties within the District, and 3) The trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 4 of this Ordinance.

Issue No. 4: The improvements are not likely to increase the value of developed properties demonstrating that the proposed that the proposed assessment is not tied to special benefit to the property as required by law.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 5, finding "f" of this Ordinance.

Issue No. 5: Communication of the proposed assessments for the project has been inconsistent and confused, making it difficult for owners of affected property to determine the likely financial impact of the project. Despite written request by the property owner identifying the proper address for all future communications, no notices have been received at that address (Daniel J. McCarrel, Legal Department, Ventura Foods, LLC, 40 Pointe Dr., Brea, CA 92821). The property owners has been prejudiced by the lack of adequate notice and time in which to prepare its objections to the proposed action

Findings:

- a. Notices concerning all Council actions, including the dollar amount of the proposed financial impact, were mailed to the owner of the benefited property at 9000 NE Marx Drive as shown on Multnomah County property tax records at the time of mailing, which was therefore sent to Wilsey-Holsum Foods LLC \$ Ventura Foods LLC Attn: Baville, Thomas, 40 Pointe Dr., Brea, CA 92821) per future lien record #141592. Although the objection received at 5/31/07 was considered untimely, the original remonstrance received by the 2/21/07 filing deadline has not been considered as withdrawn.

- b. Notices concerning all Council actions, including the dollar amount of the proposed financial impact, were mailed to the owner of the benefited property at 9044 NE Marx Drive as shown on Multnomah County property tax records at the time of mailing, which was therefore sent to Ventura Foods LLC, P.O. Box 3636, City of Industry, CA 91744) per future lien record #141591. It is not the responsibility of the City of Portland to provide additional notification beyond what is shown on Multnomah County property tax records at the time of mailing. Although the objection received at 5/31/07 was considered untimely, the original remonstrance received by the 2/21/07 filing deadline has not been considered as withdrawn.
- c. Notices concerning all Council actions, including the dollar amount of the proposed financial impact, were mailed to the owner of the nonbenefited property at 9000 NE Marx Drive as shown on Multnomah County property tax records at the time of mailing, which was therefore sent to AE Staley Manufacturing Co., % Holsum Foods, 14840 Don Julian Rd., City of Industry, CA 91746) per future lien record #141589. It is not the responsibility of the City of Portland to provide additional notification beyond what is shown on Multnomah County property tax records at the time of mailing; however, this property is not proposed for future assessment. Although the objection received at 5/31/07 was considered untimely, the original remonstrance received by the 2/21/07 filing deadline has not been considered as withdrawn.

#### **IV. SPECIFIC RESPONSES TO THE LATE OBJECTIONS FILED BY GULSONS, LLC.**

The first of two late objections was submitted by J.D. Watumull, manager of Gulsons, LLC. The untimely objection is attached to this Exhibit O as Attachment 9.

Issue No. 1: The subject owner's property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and stormwater improvements only provide a general benefit to the area. Additionally, the opening of NE 92<sup>nd</sup> Ave. to through traffic, may in fact cause harm to our properties as traffic along NE 92<sup>nd</sup> Ave. will slow entry and existing to the properties.

##### Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 1 of this Ordinance.

Issue No. 2: The current improvements to NE Columbia Blvd/Way are underway and not yet complete. It is believed that any existing congestion will be relieved by this improvement. We feel that this enormous improvement should be completed before talk of another improvement (above described LID) in this area is raised).

##### Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses relevant to this issue are provided in Exhibit H, Section II, Issue No. 1 of this Ordinance; Exhibit H, Section II, Issue No. 3 of this Ordinance; and Exhibit H, Section III, Issue No. 2 of this Ordinance.
- c. The above-mentioned improvements to NE Columbia Blvd. are not designed to improve access to Interstate 205, nor relieve congestion to or from Interstate 205. This project will provide a much more direct connection to the Airport Way interchange in lieu of the more-congested Killingsworth/Sandy interchange. The Airport Way interchange has a superior current level of service than does the Killingsworth/Sandy interchange, even before planned future improvements to the Airport Way interchange.
- d. The costs of this project are anticipated to increase with the passage of time if delayed, and the option to upgrade in lieu of replace the existing bridge may not always be available if its condition deteriorates. Replacing the bridge later in lieu of upgrading it now would result in a substantially more expensive LID in the future.

Issue No. 3: The issue of fire & life safety access has been a motivator to pass this LID as it will provide secondary access. We refute this claim, as secondary access is already provided through NE 87<sup>th</sup>, as well as the conditional use of the existing bridge (only requiring the gate be cut open), and finally through Glass Company Road, a private road.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits.
- c. NE 87<sup>th</sup> Avenue is only a single means of access. NE 92<sup>nd</sup> Drive will offer only one-way access, not bidirectional access (i.e., egress from the area).
- d. This project will upgrade the existing bridge and extend its useful life to assure its availability as a secondary emergency access route; without this project, the longevity of the current bridge and its approaches cannot be guaranteed.
- e. Relying on an access route which requires that a gate be cut open would imperil emergency response times and is inadequate.
- f. An emergency response route on a private road is not an adequate alternative, given that there is no guarantee that this road will be open in future; in fact this road was recently closed.

Issue No. 4: A coalition of Southern property owners who unanimously do not support his LID tried to work as a community with the Port of Portland to come to a reasonable compromise on this LID. We agreed to restructure how this LID assessment was calculated and utilize a more standardized approach in the City of Portland (square footage). The Port of Portland said they would not remonstrate against or oppose our alternative. The City Council approved this methodology and the Port of Portland both opposed and remonstrated against it. Subsequently the City Council retracted their approval of this standard assessment methodology (square footage) and adopted the Port of Portland's remonstrated amendment to the initial methodology (trip). The Port of Portland has not been community-minded, they have not worked with us, despite our efforts to work with them, and have proven that the only special benefit of this improvement is to the Port of Portland.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits.



- c. Per Section 17.08.020 of City Code, the City Council makes a finding of special benefit, and therefore how the assessments should be allocated, not the Port of Portland.
- d. A square footage assessment methodology is commonly used with LIDs when the majority of benefiting properties in the LID abut the proposed improvement, which is not the case with the NE 92<sup>nd</sup> Drive LID.
- e. No substantiation is provided as to claim that the Port of Portland would not remonstrate, but even in such case would not be binding upon the Port of Portland.
- f. The fact that a property owner does not remonstrate does not in and of itself prove that this particular property owner receives the “only” special benefit from an LID. In fact this argument is contradicted by the fact that a significant number of property owners south of the Columbia Slough have not remonstrated against any Council action regarding the NE 92<sup>nd</sup> Drive LID. The fact that petition support was received and remonstrances abstained from both north and south of the Columbia Slough is indicative of the equitable allocation of benefit both north and south of the Columbia Slough.
- g. The original LID proposal received no support north of the Columbia Slough and all of its support from north of the Columbia Slough; this project was not initiated by the Port of Portland.

Issue No. 5: This improvement is not needed and not wanted by the Southern property owners. The Port of Portland has shown bad faith in their dealings and for that reason we believe the project should be canceled.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits.
- c. Not all property owners south of the Columbia Slough are in concurrence with the statement that the project is “not needed and not wanted” and ample evidence exists on the record to the contrary. It is highly unusual in an LID to receive remonstrances predicated on the premise that a single property owner should pay more, rather than on a systematic, comprehensive, and thorough analysis of benefit that consistently applies benefit among multiple property owners. The square footage methodology supported by Gulsons LLC was not consistently and equitably applied to property owners other than the Port.

The second of two late objections was submitted by J. Watamull, manager of Gulsons, LLC. The untimely objection is attached to this Exhibit O as Attachment 10.

Issue No. 6: Alternatively, the proposed capital improvements of street, bridge, pedestrian and stormwater will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 3 of this Ordinance.

Issue No. 7: The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) There is no evidence showing that the methodology is based on a special benefit to properties within the District, and 3) The trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 4 of this Ordinance.

Issue No. 8: The improvements are not likely to increase the value of developed properties demonstrating that the proposed that the proposed assessment is not tied to special benefit to the property as required by law.

Findings:

- a. See record of Resolution No. 36476 adopted by City Council on January 31, 2007.
- b. See oral and written testimony of this Ordinance since February 28, 2007 including this ordinance and exhibits. Responses to a substantially similar remonstrance are provided in Exhibit H, Section II, Issue No. 5, finding "f" of this Ordinance.

Issue No. 9: These improvements primarily benefit the Port of Portland and they should pay their fair share which they are not doing under this formula.


Findings:

- a. See responses to Issue No. 5 above.

**V. RECOMMENDATION**

It is the recommendation of the Local Improvement District Administrator that the City Council overrule any and all remonstrances and objections, and form the NE 92<sup>nd</sup> Drive Local Improvement District.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrew H. Aebi". The signature is written in a cursive, flowing style.

Andrew H. Aebi  
Local Improvement District Administrator

**NE 92nd Drive LID**  
**Analysis of Remonstrances Received Between 5/09/07 and 5/30/07**

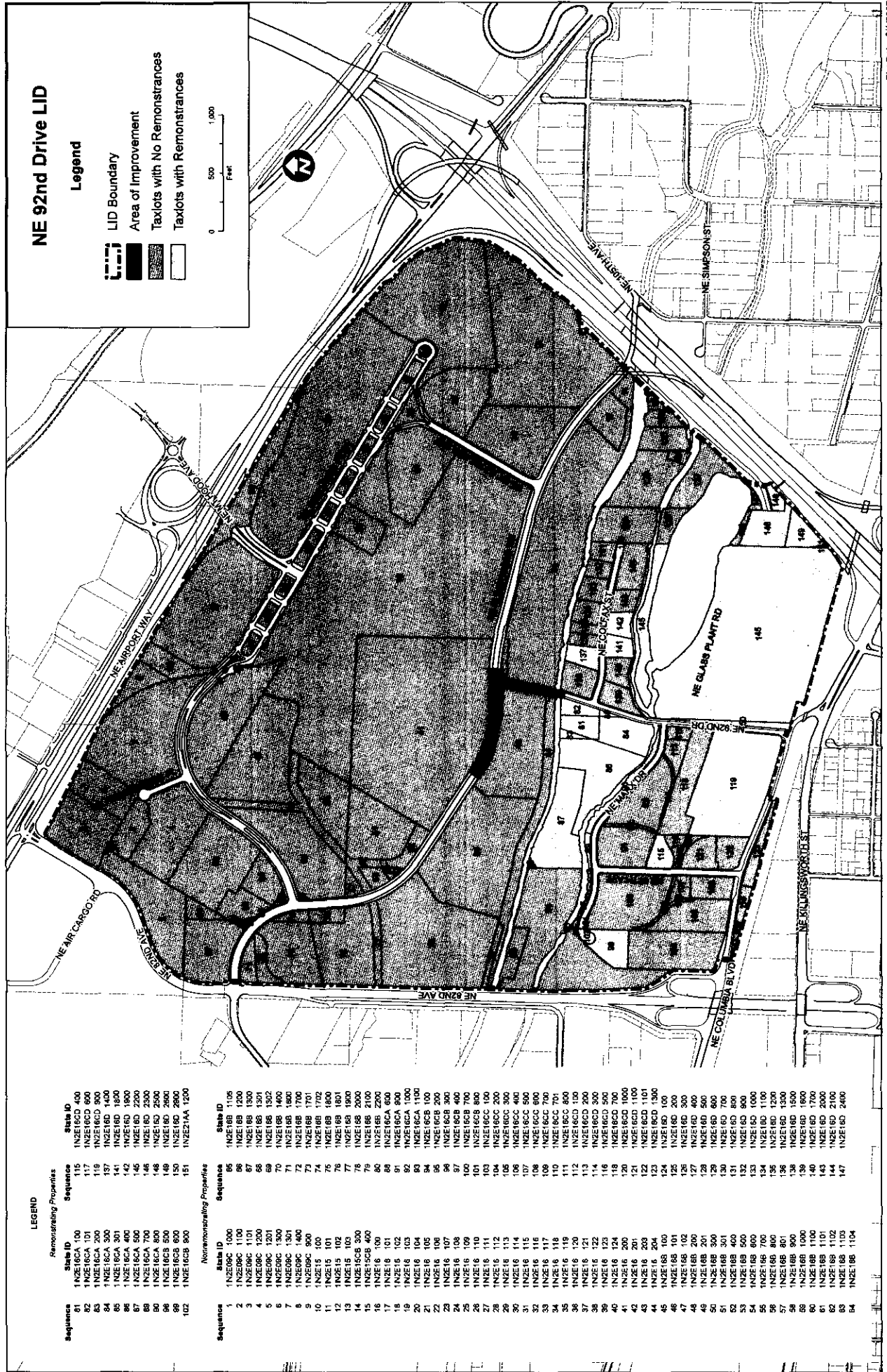
Seq.	State ID (Tax Account)	Future Lien	Attachment	Property Owner	Site Address	Total Trips	Assessable Trips	Rate/Trip	Total S.F.	Assessable S.F.
1	1N2E16CA 100 (R942160450)	141681		1 SPECTOR-WILSON PROPERTIES INC>	6215 NE 92ND DR	313	238	\$ 207.55	53,994	53,994
2	1N2E16CA 101 (R942160510)	141684		1 SPECTOR-WILSON PROPERTIES INC>	6215 W/ NE 92ND DR	0	0	\$ -	35,970	0
3	1N2E16CA 200 (R942160050)	141669		1 SPECTOR-WILSON PROPERTIES INC>	6215 W/ NE 92ND DR	0	0	\$ -	11,567	0
4	1N2E16CA 300 (R942160360)	141678		2 THE REALTY ASSOCIATES FUND VI LP	6031-6105 NE 92ND DR	213	162	\$ 207.55	118,651	118,651
5	1N2E16CA 301 (R942160500)	141683		2 THE REALTY ASSOCIATES FUND VI LP	6105 W/ NE 92ND DR	0	0	\$ -	6,198	0
6	1N2E16CA 400 (R942160720)	141696		2 THE REALTY ASSOCIATES FUND VI LP	6031 W/ NE 92ND DR	397	301	\$ 207.55	262,143	262,143
7	1N2E16CA 500 (R942160700)	141694		2 THE REALTY ASSOCIATES FUND VI LP	8727-8933 NE MARX DR	735	558	\$ 207.55	259,925	259,925
8	1N2E16CA 700 (R942160580)	141689		2 THE REALTY ASSOCIATES FUND VI LP	8933 W/ NE MARX DR	0	0	\$ -	11,483	0
9	1N2E16CA 800 (R942160690)	141693		2 THE REALTY ASSOCIATES FUND VI LP	6113 W/ NE 92ND DR	0	0	\$ -	43,087	0
10	1N2E16CB 500 (R942160860)	141701		3 NATIONAL STORAGE CENTERS- PORTLAND LLC	8436 W/ NE MARX DR	0	0	\$ -	1,412	0
11	1N2E16CB 600 (R942160770)	141698		3 NATIONAL STORAGE CENTERS- PORTLAND LLC	8436 NE MARX DR	273	174	\$ 207.55	90,143	90,143
12	1N2E16CB 900 (R942160160)	141671		3 NATIONAL STORAGE CENTERS- PORTLAND LLC	8436 W/ NE MARX DR	0	0	\$ -	12,881	0
13	1N2E16CD 400 (R000201620)	141590		2 THE REALTY ASSOCIATES FUND VI LP	5960-5964 NE 87TH AVE	69	39	\$ 207.55	48,426	48,426
14	1N2E16CD 600 (R000201660)	141594		2 THE REALTY ASSOCIATES FUND VI LP	NE 87TH AVE	0	0	\$ -	3,667	0
15	1N2E16CD 900 (R942160750)	141697		4 INTERNATIONAL PAPER CO ATTN TAX DEPT	9111 NE COLUMBIA BLVD	1,392	661	\$ 207.55	542,957	542,957
16	1N2E16D 1400 (R614700080)	141604		5 SAUNDERS,THOMAS G	9331 NE COLFAX ST	138	105	\$ 207.55	47,965	47,965
17	1N2E16D 1800 (R614700960)	141613		6 CRONIN,MEDARD TR	9400 NE COLFAX ST	111	85	\$ 207.55	42,208	42,208
18	1N2E16D 1900 (R614700990)	141614		6 CRONIN,MEDARD TR ATTN CRONIN,DARTY	9438-9450 NE COLFAX ST	105	80	\$ 207.55	42,790	42,790
19	1N2E16D 2200 (R942160080)	141670		7 OWENS-BROCKWAY GLASS CONTAINER INC ATTN: A/P DEPT PLAZA ONE	5850 NE 92ND DR	3,835	196	\$ 207.55	1,845,157	1,845,157
20	1N2E16D 2300 (R942160290)	141674		7 OWENS-BROCKWAY GLASS CONTAINER INC ATTN: A/P DEPT PLAZA ONE	5850 W/ NE 92ND DR	316	16	\$ 207.55	116,867	116,867
21	1N2E16D 2500 (R942160650)	141691		7 OWENS-BROCKWAY GLASS CONTAINER INC ATTN: A/P DEPT PLAZA ONE	5850 W/ NE 92ND DR	0	0	\$ -	21,824	0
22	1N2E16D 2600 (R942160660)	141692		7 OWENS-BROCKWAY GLASS CONTAINER INC ATTN: A/P DEPT PLAZA ONE	5850 W/ NE 92ND DR	0	0	\$ -	60,393	0
23	1N2E16D 2900 (R942161000)	141715		7 OWENS-BROCKWAY GLASS CONTAINER INC ATTN: A/P DEPT PLAZA ONE	5850 W/ NE 92ND DR	0	0	\$ -	35,278	0
24	1N2E21AA 1200 (R942211180)	141717		7 OWENS-ILLINOIS GLASS CONTAIN ATTN: A/P DEPT PLAZA ONE	5850 W/ NE 92ND DR	0	0	\$ -	2,123	0
<b>Subtotal of Properties Whose Owners Remonstrated by 5/30/07 Deadline:</b>						<b>7,897</b>	<b>2,615</b>		<b>3,717,109</b>	<b>3,471,226</b>
						<b>7.5%</b>	<b>25.6%</b>		<b>14.3%</b>	<b>15.1%</b>
Seq.	State ID (Tax Account)	Future Lien #		Property Owner	Site Address	Total Trips	Assessable Trips	Rate/Trip	Total S.F.	Assessable S.F.
25	1N2E09C 1000 (R669300820)	141646		PORT OF PORTLAND(LEASED F & C % DEERING MGMT GROUP INC	7505-7535 NE AMBASSADOR PL	687	27	\$ 207.55	319,968	319,968
26	1N2E09C 1100 (R669300800)	141645		PORT OF PORTLAND		0	0	\$ -	6,126	0
27	1N2E09C 1101 (R669300790)	141644		PORT OF PORTLAND(LEASED MEPS PDX LLC	7545 NE AMBASSADOR PL	240	10	\$ 207.55	97,869	97,869
28	1N2E09C 1200 (R669300200)	141634		PORT OF PORTLAND(LEASED AIRPORT PARTNERS LLC % EQUITY DEVELOPMENT INC	7700 NE AMBASSADOR PL	785	31	\$ 207.55	158,065	158,065
29	1N2E09C 1201 (R669300220)	141635		PORT OF PORTLAND(LEASED JOHN G % SCHREIBER,ED TAX MANAGER	7900 NE 82ND AVE	1,843	74	\$ 207.55	239,869	239,869
30	1N2E09C 1300 (R669300300)	141636		PORT OF PORTLAND	S SIDE NE AIRPORT WAY	4	0	\$ -	629	0
31	1N2E09C 1301 (R669300330)	141969		PORT OF PORTLAND(LEASED PDC %REAL ESTATE SERVICES	N SIDE NE CASCADE PKWY	3,816	76	\$ 270.90	564,795	564,795
32	1N2E09C 1400 (R669300400)	141637		PORT OF PORTLAND	S SIDE NE AIRPORT WAY	473	9	\$ 270.90	69,961	69,961
33	1N2E09C 900 (R669300700)	141642		PORT OF PORTLAND		0	0	\$ -	316,923	0
34	1N2E15 100 (R942150540)	141666		PORT OF PORTLAND	6311 NE 105TH AVE	34	1	\$ 270.90	5,392	5,392
35	1N2E15 101 (R647327400)	141624		PORT OF PORTLAND	NE ALDERWOOD RD	0	0	\$ -	38,468	0
36	1N2E15 102 (R647327380)	141966		PORT OF PORTLAND(LEASED IKEA PROPERTY,INC ATTN: PRESIDENT	10280 NE CASCADE PKWY	6,044	253	\$ 270.90	843,166	843,166
37	1N2E15 103 (R647327360)	141965		PORT OF PORTLAND	NWC NE ALDERWOOD RD/ I-205	7,387	514	\$ 270.90	980,174	980,174
38	1N2E15CB 300 (R647324810)	141619		OREGON STATE OF (HWY COMM% DISTRICT 2B	NE I-205	0	0	\$ -	1,637	0
39	1N2E15CB 400 (R647324770)	141618		OREGON STATE OF (HWY COMM% DISTRICT 2B	NE GLASS PLANT RD	0	0	\$ -	14,110	0
40	1N2E16 100 (R942160010)	141667		PORT OF PORTLAND	9199 NE CASCADES PKWY	15,155	869	\$ 270.90	2,916,789	2,916,789
41	1N2E16 101 (R942160850)	141700		PORT OF PORTLAND(LEASED PACIFI % PACIFIC CORP STRONG,R G-PROP TAX MGR	PORTLAND INTERNATIONAL CENTER	9	1	\$ 207.55	100,927	100,927
42	1N2E16 102 (R942160930)	141708		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	6,034	0
43	1N2E16 103 (R002600630)	141599		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	19,145	0
44	1N2E16 104 (R002600590)	141600		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	20,952	0
45	1N2E16 105 (R002600550)	141598		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	17,095	0
46	1N2E16 106 (R002600480)	141597		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	34,768	0
47	1N2E16 107 (R002600440)	141596		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	15,242	0
48	1N2E16 108 (R942160940)	141709		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	19,989	0
49	1N2E16 109 (R942160950)	141710		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	20,262	0
50	1N2E16 110 (R942160960)	141711		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	18,259	0
51	1N2E16 111 (R942160900)	141705		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	34,986	0
52	1N2E16 112 (R942160910)	141706		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	8,643	0
53	1N2E16 113 (R942160920)	141707		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	37,721	0
54	1N2E16 114 (R942160970)	141712		PORT OF PORTLAND	10245 NE CASCADES PKWY	1,314	26	\$ 270.90	198,556	198,556
55	1N2E16 115 (R942160980)	141713		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	732	0
56	1N2E16 116 (R942160990)	141714		PORT OF PORTLAND	NE CASCADES PKWY	0	0	\$ -	417	0
57	1N2E16 117 (R647327430)	141625		PORT OF PORTLAND	NEC NE MT ST HELENS AVE/ NE ALDERWOOD	3,655	366	\$ 270.90	369,697	369,697
58	1N2E16 118 (R485800020)	141601		PORT OF PORTLAND	NE ALDERWOOD RD	6,800	884	\$ 270.90	1,062,781	1,062,781
59	1N2E16 119 (R942161030)	141973		PORT OF PORTLAND(LEASED CASCADE STATION RETAIL CENTER,LLC	9721-10263 NE CASCADE PKWY	8,079	228	\$ 270.90	1,195,229	1,195,229
60	1N2E16 120 (R647327420)	141967		PORT OF PORTLAND(LEASED PDC %REAL ESTATE SERVICES	SEC NE CASCADE PKWY/ NE MT ST HELENS	2,357	124	\$ 270.90	259,231	259,231
61	1N2E16 121 (R942161040)	141974		PORT OF PORTLAND(LEASED COSTCO WHOLESALE ATTN: DAVE REED	9401 NE CASCADE PKWY	4,765	95	\$ 270.90	679,280	679,280

**NE 92nd Drive LID**  
**Analysis of Remonstrances Received Between 5/09/07 and 5/30/07**

Seq.	State ID (Tax Account)	Future Lien #	Property Owner	Site Address	Total Trips	Assessable Trips	Rate/Trip	Total S.F.	Assessable S.F.
62	1N2E16 122 (R942161050)	141975	PORT OF PORTLAND	N SIDE NE CASCADE PKWY	622	12	\$ 270.90	88,653	88,653
63	1N2E16 123 (R002600420)	141964	PORT OF PORTLAND(LEASED CASCADE STATION RETAIL CENTER,LLC	S SIDE NE CASCADE PKWY	1,826	37	\$ 270.90	115,841	115,841
64	1N2E16 124 (R647327450)	141968	PORT OF PORTLAND(LEASED PDC %REAL ESTATE SERVICES	SWC NE CASCADE PKWY/NE MT ST HELENS	3,789	114	\$ 270.90	339,308	339,308
65	1N2E16 200 (R942160540)	141687	PORT OF PORTLAND	NE ALDERWOOD RD	2,560	473	\$ 270.90	1,620,554	1,620,554
66	1N2E16 201 (R942160870)	141702	PORT OF PORTLAND	6331 E/ NE 92ND DR	0	0	\$ -	2,529	0
67	1N2E16 203 (R942160890)	141704	PORT OF PORTLAND(LEASED NEW TOWER TRUST MEPT-ALDERWOOD % PROPERTY TAX ADVISORS LLC	6327-6331 NE 92ND DR	1,002	200	\$ 207.55	403,431	403,431
68	1N2E16 204 (R942161010)	141716	PORT OF PORTLAND	NE 92ND AVE	0	0	\$ -	249,082	0
69	1N2E16B 100 (R669301100)	141652	PORT OF PORTLAND	S SIDE NE CASCADES PKWY	4	0	\$ -	716	0
70	1N2E16B 101 (R669301090)	141971	PORT OF PORTLAND(LEASED PDC %REAL ESTATE SERVICES	S SIDE NE CASCADE PKWY	2,193	44	\$ 270.90	403,761	403,761
71	1N2E16B 102 (R669301080)	141970	PORT OF PORTLAND	S SIDE NE CASCADE PKWY	1,368	27	\$ 270.90	473,033	473,033
72	1N2E16B 200 (R669300050)	141630	PORT OF PORTLAND		0	0	\$ -	129,295	0
73	1N2E16B 201 (R669300040)	141629	PORT OF PORTLAND		0	0	\$ -	39,428	0
74	1N2E16B 300 (R669301500)	141656	PORT OF PORTLAND		464	37	\$ 270.90	204,856	204,856
75	1N2E16B 301 (R669301400)	141655	PORT OF PORTLAND		679	54	\$ 270.90	259,353	259,353
76	1N2E16B 400 (R669300070)	141632	PORT OF PORTLAND		0	0	\$ -	51,885	0
77	1N2E16B 500 (R669301600)	141657	PORT OF PORTLAND		0	0	\$ -	5,515	0
78	1N2E16B 600 (R669300060)	141631	PORT OF PORTLAND		0	0	\$ -	9,443	0
79	1N2E16B 700 (R669302200)	141665	PORT OF PORTLAND	8599 NE ALDERWOOD RD	62	5	\$ 207.55	32,194	32,194
80	1N2E16B 800 (R669301300)	141654	PORT OF PORTLAND		920	74	\$ 270.90	377,407	377,407
81	1N2E16B 801 (R669301200)	141653	PORT OF PORTLAND		70	6	\$ 270.90	24,598	24,598
82	1N2E16B 900 (R669300030)	141628	PORT OF PORTLAND		10	1	\$ 270.90	3,789	3,789
83	1N2E16B 1000 (R669300020)	141627	PORT OF PORTLAND		0	0	\$ -	7,780	0
84	1N2E16B 1100 (R669301000)	141649	PORT OF PORTLAND		591	24	\$ 270.90	92,408	92,408
85	1N2E16B 1101 (R669300900)	141647	PORT OF PORTLAND		0	0	\$ -	6,695	0
86	1N2E16B 1102 (R669300930)	141648	PORT OF PORTLAND(LEASED NORM JOHNSON INVESTMENTS	8337 W/ NE ALDERWOOD RD	0	0	\$ -	908	0
87	1N2E16B 1103 (R669300550)	141639	PORT OF PORTLAND(LEASED NORM JOHNSON INVESTMENTS	8337 NE ALDERWOOD RD	147	6	\$ 207.55	83,536	83,536
88	1N2E16B 1104 (R669301010)	141650	PORT OF PORTLAND		0	0	\$ -	1,366	0
89	1N2E16B 1105 (R669301020)	141651	PORT OF PORTLAND		0	0	\$ -	1,688	0
90	1N2E16B 1200 (R669300500)	141638	PORT OF PORTLAND		2,349	94	\$ 270.90	367,141	367,141
91	1N2E16B 1300 (R669300600)	141640	PORT OF PORTLAND		0	0	\$ -	228,683	0
92	1N2E16B 1301 (R669300710)	141643	PORT OF PORTLAND		0	0	\$ -	37,342	0
93	1N2E16B 1302 (R669300650)	141641	PORT OF PORTLAND(LEASED NORM JOHNSON INVESTMENTS	8337 W/ NE ALDERWOOD RD	0	0	\$ -	115	0
94	1N2E16B 1400 (R942160350)	141972	PORT OF PORTLAND	N/ 82ND & NE ALDERWOOD RD	0	0	\$ -	642	0
95	1N2E16B 1600 (R669300010)	141626	PORT OF PORTLAND		0	0	\$ -	41,291	0
96	1N2E16B 1700 (R669301900)	141660	PORT OF PORTLAND		0	0	\$ -	46,770	0
97	1N2E16B 1701 (R669301910)	141661	PORT OF PORTLAND(LEASED YOSHIDA FAMILY LTD PTRNSHP	8338 NE ALDERWOOD RD	552	72	\$ 207.55	224,555	224,555
98	1N2E16B 1702 (R669302000)	141662	PORT OF PORTLAND(LEASED YOSHIDA FAMILY LTD PTRNSHP	8338 W/ NE ALDERWOOD RD	0	0	\$ -	24,179	0
99	1N2E16B 1800 (R669301700)	141658	PORT OF PORTLAND(LEASED TO YOS	8440-8520 NE ALDERWOOD RD	782	102	\$ 207.55	295,743	295,743
100	1N2E16B 1801 (R669301800)	141659	PORT OF PORTLAND(LEASED YOSHIDA FAMILY LTD PARTNERSHIP	8520 W/ NE ALDERWOOD RD	0	0	\$ -	36,143	0
101	1N2E16B 1900 (R669300080)	141633	PORT OF PORTLAND		0	0	\$ -	48,533	0
102	1N2E16B 2000 (R669302100)	141663	PORT OF PORTLAND		0	0	\$ -	28,248	0
103	1N2E16B 2100 (R669302120)	141664	PORT OF PORTLAND(LEASED (RIGGS NAT'L BANK WASH DC> PTA - RIGGS #122	8530-8592 NE ALDERWOOD RD	1,557	202	\$ 207.55	727,400	727,400
104	1N2E16B 2200 (R942160880)	141703	PORT OF PORTLAND(LEASED (RIGGS NAT'L BANK WASH DC> PTA - RIGGS #122	8914 NE ALDERWOOD RD	1,506	301	\$ 207.55	678,920	678,920
105	1N2E16CA 600 (R942160560)	141688	PORT OF PORTLAND		0	0	\$ -	3,790	0
106	1N2E16CB 100 (R942160460)	141682	PORT OF PORTLAND		1,822	0	\$ -	653,823	0
107	1N2E16CB 200 (R942160530)	141686	PORT OF PORTLAND	6440 NE 82ND AVE	126	0	\$ -	60,170	0
108	1N2E16CB 300 (R000200020)	141581	PORT OF PORTLAND		0	0	\$ -	540	0
109	1N2E16CB 400 (R000200010)	141580	T & W EQUIPMENT CO & HOWCO INVESTMENT CORP	NE MARX DR	0	0	\$ -	16,872	0
110	1N2E16CB 700 (R000200110)	141583	TOYOTA MOTOR SALES U S A INC % CORP TAX DEPT #73012	6111 NE 87TH AVE	716	387	\$ 207.55	279,439	279,439
111	1N2E16CB 800 (R000200100)	141582	PORTLAND CITY OF % RIGHT OF WAY ACQUISITION		0	0	\$ -	180	0
112	1N2E16CC 100 (R942160410)	141679	GLASSBRENNER GROUP LLC	5901 W/ NE 87TH AVE	0	0	\$ -	16,198	0
113	1N2E16CC 200 (R942160600)	141690	ATRIUM FINANCE IV LP % SCHREIBER,ED-TAX MGR	8439 NE COLUMBIA BLVD	2,337	48	\$ 207.55	257,417	257,417
114	1N2E16CC 300 (R942160430)	141680	ATRIUM HOTELS LP %TAX MGR	8521 NE COLUMBIA BLVD	2,337	48	\$ 207.55	157,559	157,559
115	1N2E16CC 400 (R942160040)	141668	GLASSBRENNER GROUP LLC	5901 W/ NE 87TH AVE	0	0	\$ -	6,497	0
116	1N2E16CC 500 (R000200610)	141584	GLASSBRENNER GROUP LLC	5901 NE 87TH AVE	55	4	\$ 207.55	32,250	32,250
117	1N2E16CC 600 (R000200660)	141585	GLASSBRENNER GROUP LLC	5741-5821 NE 87TH AVE	200	15	\$ 207.55	70,262	70,262
118	1N2E16CC 700 (R942160520)	141685	PORTLAND CITY OF % RIGHT OF WAY ACQUISITION	NE COLUMBIA BLVD	0	0	\$ -	3,954	0
119	1N2E16CC 701 (R942160840)	141699	LEUSCA,STEVEN	8500 NE COLUMBIA BLVD	75	7	\$ 207.55	25,822	25,822
120	1N2E16CC 800 (R942160710)	141695	PORTLAND CITY OF % RIGHT OF WAY ACQUISITION	8444 NE COLUMBIA BLVD	0	0	\$ -	7,816	0
121	1N2E16CD 100 (R000201600)	141588	BHL PROPERTY LLC	9106 NE MARX DR	37	30	\$ 207.55	23,170	23,170
122	1N2E16CD 500 (R000201650)	141593	BARON-BLACKESLEE INC % E PROPERTY TAX PO BOX 4900	5920 NE 87TH AVE	19	11	\$ 207.55	25,741	25,741
123	1N2E16CD 700 (R942160250)	141673	SUPERIOR TANK WASH INC	5741 NE 92ND DR	36	17	\$ 207.55	182,770	182,770
124	1N2E16CD 1000 (R942160320)	141676	T & W EQUIPMENT CO	5858 N/ NE 87TH AVE	0	0	\$ -	15,446	0
125	1N2E16CD 1100 (R000201370)	141586	PENTE NORTH LLC % INTERNATIONAL YOGURT CO	5858 NE 87TH AVE	142	10	\$ 207.55	71,239	71,239
126	1N2E16CD 1101 (R000201360)	141718	PENTE INVESTMENTS L L C % INTERNATIONAL YOGURT CO	8715 NE COLUMBIA BLVD	130	10	\$ 207.55	65,684	65,684
127	1N2E16CD 1300 (R942160310)	141675	WORLD ENTERPRISES INC % KINGSTON,C ELDEN	8700 NE COLUMBIA BLVD	122	12	\$ 207.55	53,324	53,324

NE 92nd Drive LID  
Analysis of Remonstrances Received Between 5/09/07 and 5/30/07

Seq.	State ID (Tax Account)	Future Lien #	Property Owner	Site Address	Total Trips	Assessable Trips	Rate/Trip	Total S.F.	Assessable S.F.
128	1N2E16D 100 (R647324870)	141620	ACKERLEY REALTY INC	NE SIMPSON ST	0	0	\$ -	40,168	0
129	1N2E16D 200 (R647324910)	141621	ACME STORAGE INC	10045 NE SIMPSON ST	196	20	\$ 207.55	81,350	81,350
130	1N2E16D 300 (R647324960)	141623	ACME STORAGE INC	10025/W/ NE SIMPSON ST	7	1	\$ 207.55	16,923	16,923
131	1N2E16D 400 (R647324240)	141617	PORTLAND CITY OF(BUREAU OF PARKS & RECREATION	5839 NE 101ST AVE	277	28	\$ 270.90	139,728	139,728
132	1N2E16D 500 (R647324950)	141622	ACME STORAGE INC	10025 NE SIMPSON ST	492	49	\$ 207.55	204,995	204,995
133	1N2E16D 600 (R942160190)	141672	PORTLAND CITY OF % BES FACILITIES/ADMIN SVCS		0	0	\$ -	227,597	0
134	1N2E16D 700 (R614700010)	141602	PORTLAND CITY OF % RIGHT OF WAY ACQUISITION	E/ NE COLFAX ST	0	0	\$ -	367	0
135	1N2E16D 800 (R614700200)	141609	FORD FAMILY COLFAX LLC-90% & ATLAS COLFAX LLC-10%	9705-9707 NE COLFAX ST	102	78	\$ 207.55	35,482	35,482
136	1N2E16D 900 (R614700230)	141610	GRAYROSE PROPERTIES LLC	9629-9631 NE COLFAX ST	102	78	\$ 207.55	32,015	32,015
137	1N2E16D 1000 (R614700170)	141608	HORNING,SHIRLEYANN K TR	9525-9535 NE COLFAX ST	80	62	\$ 207.55	48,225	48,225
138	1N2E16D 1100 (R614700140)	141607	MEEDER EQUIPMENT CO	9447 NE COLFAX ST	56	43	\$ 207.55	49,072	49,072
139	1N2E16D 1200 (R614700130)	141606	VDRB LLC % BACON,VICKEY L	9409 E/ NE COLFAX ST	63	48	\$ 270.90	22,742	22,742
140	1N2E16D 1300 (R614700110)	141605	VDRB LLC % BACON,VICKEY L	9409 NE COLFAX ST	46	35	\$ 207.55	28,067	28,067
141	1N2E16D 1500 (R614700050)	141603	LU,MEL-YI TR & LU,JOSEPH H L TR	6210 NE 92ND DR	137	105	\$ 207.55	75,580	75,580
142	1N2E16D 1600 (R614700900)	141611	JMP INC	6150 NE 92ND DR	113	86	\$ 207.55	59,760	59,760
143	1N2E16D 1700 (R614700930)	141612	LU,MEL-YI TR & LU,JOSEPH H L TR	9324 NE COLFAX ST	80	61	\$ 207.55	49,834	49,834
144	1N2E16D 2000 (R614701020)	141615	DINH,QUE M	9528 NE COLFAX ST	121	93	\$ 207.55	43,800	43,800
145	1N2E16D 2100 (R614701050)	141616	BARTON HOLDINGS LLC	9620 NE COLFAX ST	88	67	\$ 207.55	89,731	89,731
146	1N2E16D 2400 (R942160340)	141677	PORTLAND CITY OF % BES FACILITIES/ADMIN SVCS	NE GLASS PLANT RD	0	0	\$ -	14,614	0
122	Subtotal of Properties Whose Owners Did Not Remonstrate by 5/30/07 Deadline:				96,614	6,928		21,798,677	19,100,211
					91.6%	67.6%		84.1%	83.2%
Seq.	State ID (Tax Account)	Future Lien #	Property Owner	Site Address	Total Trips	Assessable Trips	Rate/Trip	Total S.F.	Assessable S.F.
147	1N2E16CA 1100 (R000201640)	141592	8 WILSEY-HOLSUM FOODS L L C % VENTURA FOODS L L C ATTN BAVILLE,THOMAS	9000 NE MARX DR	471	377	\$ 207.55	174,787	174,787
148	1N2E16CD 200 (R000201630)	141591	8 VENTURA FOODS LLC	9044 NE MARX DR	96	77	\$ 207.55	40,753	40,753
149	1N2E16CD 300 (R000201610)	141589	8 A E STALEY MANUFACTURING CO % HOLSUM FOODS	9000 W/ NE MARX DR	0	0	\$ -	12,633	0
150	1N2E16CA 900 (R000201680)	141595	9 GULSONS % SIMMCO PROPERTIES INC	6136 NE 87TH AVE	396	221	\$ 207.55	157,139	157,139
151	1N2E16CA 1000 (R000201580)	141587	10 GULSONS	6136 W/ NE 87TH AVE	0	0	\$ -	11,406	0
5	Subtotal of Properties Whose Owners Filed A Late Objection After the 5/30/07 Deadline:				963	675		396,718	372,679
					0.9%	6.6%		1.5%	1.6%
151	TOTAL:				105,474	10,216		25,912,504	22,944,116
					100.0%	100.0%		100.0%	100.0%



# NE 92nd Drive LID

## Legend

- LID Boundary
- Area of Improvement
- Taxlots with No Remonstrances
- Taxlots with Remonstrances

## LEGEND

### Remonstrating Properties

Sequence	State ID	Sequence	State ID
81	1N2E16CA 100	115	1N2E16CD 400
82	1N2E16CA 101	116	1N2E16CD 401
83	1N2E16CA 102	117	1N2E16CD 402
84	1N2E16CA 103	118	1N2E16CD 403
85	1N2E16CA 104	119	1N2E16CD 404
86	1N2E16CA 105	120	1N2E16CD 405
87	1N2E16CA 106	121	1N2E16CD 406
88	1N2E16CA 107	122	1N2E16CD 407
89	1N2E16CA 108	123	1N2E16CD 408
90	1N2E16CA 109	124	1N2E16CD 409
91	1N2E16CA 110	125	1N2E16CD 410
92	1N2E16CA 111	126	1N2E16CD 411
93	1N2E16CA 112	127	1N2E16CD 412
94	1N2E16CA 113	128	1N2E16CD 413
95	1N2E16CA 114	129	1N2E16CD 414
96	1N2E16CA 115	130	1N2E16CD 415
97	1N2E16CA 116	131	1N2E16CD 416
98	1N2E16CA 117	132	1N2E16CD 417
99	1N2E16CA 118	133	1N2E16CD 418
100	1N2E16CA 119	134	1N2E16CD 419
101	1N2E16CA 120	135	1N2E16CD 420
102	1N2E16CA 121	136	1N2E16CD 421
103	1N2E16CA 122	137	1N2E16CD 422
104	1N2E16CA 123	138	1N2E16CD 423
105	1N2E16CA 124	139	1N2E16CD 424
106	1N2E16CA 125	140	1N2E16CD 425
107	1N2E16CA 126	141	1N2E16CD 426
108	1N2E16CA 127	142	1N2E16CD 427
109	1N2E16CA 128	143	1N2E16CD 428
110	1N2E16CA 129	144	1N2E16CD 429
111	1N2E16CA 130	145	1N2E16CD 430
112	1N2E16CA 131	146	1N2E16CD 431
113	1N2E16CA 132	147	1N2E16CD 432
114	1N2E16CA 133	148	1N2E16CD 433
115	1N2E16CA 134	149	1N2E16CD 434
116	1N2E16CA 135	150	1N2E16CD 435
117	1N2E16CA 136	151	1N2E16CD 436
118	1N2E16CA 137	152	1N2E16CD 437
119	1N2E16CA 138	153	1N2E16CD 438
120	1N2E16CA 139	154	1N2E16CD 439
121	1N2E16CA 140	155	1N2E16CD 440
122	1N2E16CA 141	156	1N2E16CD 441
123	1N2E16CA 142	157	1N2E16CD 442
124	1N2E16CA 143	158	1N2E16CD 443
125	1N2E16CA 144	159	1N2E16CD 444
126	1N2E16CA 145	160	1N2E16CD 445
127	1N2E16CA 146	161	1N2E16CD 446
128	1N2E16CA 147	162	1N2E16CD 447
129	1N2E16CA 148	163	1N2E16CD 448
130	1N2E16CA 149	164	1N2E16CD 449
131	1N2E16CA 150	165	1N2E16CD 450
132	1N2E16CA 151	166	1N2E16CD 451
133	1N2E16CA 152	167	1N2E16CD 452
134	1N2E16CA 153	168	1N2E16CD 453
135	1N2E16CA 154	169	1N2E16CD 454
136	1N2E16CA 155	170	1N2E16CD 455
137	1N2E16CA 156	171	1N2E16CD 456
138	1N2E16CA 157	172	1N2E16CD 457
139	1N2E16CA 158	173	1N2E16CD 458
140	1N2E16CA 159	174	1N2E16CD 459
141	1N2E16CA 160	175	1N2E16CD 460
142	1N2E16CA 161	176	1N2E16CD 461
143	1N2E16CA 162	177	1N2E16CD 462
144	1N2E16CA 163	178	1N2E16CD 463
145	1N2E16CA 164	179	1N2E16CD 464
146	1N2E16CA 165	180	1N2E16CD 465
147	1N2E16CA 166	181	1N2E16CD 466
148	1N2E16CA 167	182	1N2E16CD 467
149	1N2E16CA 168	183	1N2E16CD 468
150	1N2E16CA 169	184	1N2E16CD 469
151	1N2E16CA 170	185	1N2E16CD 470
152	1N2E16CA 171	186	1N2E16CD 471
153	1N2E16CA 172	187	1N2E16CD 472
154	1N2E16CA 173	188	1N2E16CD 473
155	1N2E16CA 174	189	1N2E16CD 474
156	1N2E16CA 175	190	1N2E16CD 475
157	1N2E16CA 176	191	1N2E16CD 476
158	1N2E16CA 177	192	1N2E16CD 477
159	1N2E16CA 178	193	1N2E16CD 478
160	1N2E16CA 179	194	1N2E16CD 479
161	1N2E16CA 180	195	1N2E16CD 480
162	1N2E16CA 181	196	1N2E16CD 481
163	1N2E16CA 182	197	1N2E16CD 482
164	1N2E16CA 183	198	1N2E16CD 483
165	1N2E16CA 184	199	1N2E16CD 484
166	1N2E16CA 185	200	1N2E16CD 485
167	1N2E16CA 186	201	1N2E16CD 486
168	1N2E16CA 187	202	1N2E16CD 487
169	1N2E16CA 188	203	1N2E16CD 488
170	1N2E16CA 189	204	1N2E16CD 489
171	1N2E16CA 190	205	1N2E16CD 490
172	1N2E16CA 191	206	1N2E16CD 491
173	1N2E16CA 192	207	1N2E16CD 492
174	1N2E16CA 193	208	1N2E16CD 493
175	1N2E16CA 194	209	1N2E16CD 494
176	1N2E16CA 195	210	1N2E16CD 495
177	1N2E16CA 196	211	1N2E16CD 496
178	1N2E16CA 197	212	1N2E16CD 497
179	1N2E16CA 198	213	1N2E16CD 498
180	1N2E16CA 199	214	1N2E16CD 499
181	1N2E16CA 200	215	1N2E16CD 500
182	1N2E16CA 201	216	1N2E16CD 501
183	1N2E16CA 202	217	1N2E16CD 502
184	1N2E16CA 203	218	1N2E16CD 503
185	1N2E16CA 204	219	1N2E16CD 504
186	1N2E16CA 205	220	1N2E16CD 505
187	1N2E16CA 206	221	1N2E16CD 506
188	1N2E16CA 207	222	1N2E16CD 507
189	1N2E16CA 208	223	1N2E16CD 508
190	1N2E16CA 209	224	1N2E16CD 509
191	1N2E16CA 210	225	1N2E16CD 510
192	1N2E16CA 211	226	1N2E16CD 511
193	1N2E16CA 212	227	1N2E16CD 512
194	1N2E16CA 213	228	1N2E16CD 513
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196	1N2E16CA 215	230	1N2E16CD 515
197	1N2E16CA 216	231	1N2E16CD 516
198	1N2E16CA 217	232	1N2E16CD 517
199	1N2E16CA 218	233	1N2E16CD 518
200	1N2E16CA 219	234	1N2E16CD 519
201	1N2E16CA 220	235	1N2E16CD 520
202	1N2E16CA 221	236	1N2E16CD 521
203	1N2E16CA 222	237	1N2E16CD 522
204	1N2E16CA 223	238	1N2E16CD 523
205	1N2E16CA 224	239	1N2E16CD 524
206	1N2E16CA 225	240	1N2E16CD 525
207	1N2E16CA 226	241	1N2E16CD 526
208	1N2E16CA 227	242	1N2E16CD 527
209	1N2E16CA 228	243	1N2E16CD 528
210	1N2E16CA 229	244	1N2E16CD 529
211	1N2E16CA 230	245	1N2E16CD 530
212	1N2E16CA 231	246	1N2E16CD 531
213	1N2E16CA 232	247	1N2E16CD 532
214	1N2E16CA 233	248	1N2E16CD 533
215	1N2E16CA 234	249	1N2E16CD 534
216	1N2E16CA 235	250	1N2E16CD 535
217	1N2E16CA 236	251	1N2E16CD 536
218	1N2E16CA 237	252	1N2E16CD 537
219	1N2E16CA 238	253	1N2E16CD 538
220	1N2E16CA 239	254	1N2E16CD 539
221	1N2E16CA 240	255	1N2E16CD 540
222	1N2E16CA 241	256	1N2E16CD 541
223	1N2E16CA 242	257	1N2E16CD 542
224	1N2E16CA 243	258	1N2E16CD 543
225	1N2E16CA 244	259	1N2E16CD 544
226	1N2E16CA 245	260	1N2E16CD 545
227	1N2E16CA 246	261	1N2E16CD 546
228	1N2E16CA 247	262	1N2E16CD 547
229	1N2E16CA 248	263	1N2E16CD 548
230	1N2E16CA 249	264	1N2E16CD 549
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233	1N2E16CA 252	267	1N2E16CD 552
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235	1N2E16CA 254	269	1N2E16CD 554
236	1N2E16CA 255	270	1N2E16CD 555
237	1N2E16CA 256	271	1N2E16CD 556
238	1N2E16CA 257	272	1N2E16CD 557
239	1N2E16CA 258	273	1N2E16CD 558
240	1N2E16CA 259	274	1N2E16CD 559
241	1N2E16CA 260	275	1N2E16CD 560
242	1N2E16CA 261	276	1N2E16CD 561
243	1N2E16CA 262	277	1N2E16CD 562
244	1N2E16CA 263	278	1N2E16CD 563
245	1N2E16CA 264	279	1N2E16CD 564
246	1N2E16CA 265	280	1N2E16CD 565
247	1N2E16CA 266	281	1N2E16CD 566
248	1N2E16CA 267	282	1N2E16CD 567
249	1N2E16CA 268	283	1N2E16CD 568
250	1N2E16CA 269	284	1N2E16CD 569
251	1N2E16CA 270	285	1N2E16CD 570
252	1N2E16CA 271	286	1N2E16CD 571
253	1N2E16CA 272	287	1N2E16CD 572
254	1N2E16CA 273	288	1N2E16CD 573
255	1N2E16CA 274	289	1N2E16CD 574
256	1N2E16CA 275	290	1N2E16CD 575
257	1N2E16CA 276	291	1N2E16CD 576
258	1N2E16CA 277	292	1N2E16CD 577
259	1N2E16CA 278	293	1N2E16CD 578
260	1N2E16CA 279	294	1N2E16CD 579
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264	1N2E16CA 283	298	1N2E16CD 583
265	1N2E16CA 284	299	1N2E16CD 584
266	1N2E16CA 285	300	1N2E16CD 585
267	1N2E16CA 286	301	1N2E16CD 586
268	1N2E16CA 287	302	1N2E16CD 587
269	1N2E16CA 288	303	1N2E16CD 588
270	1N2E16CA 289	304	1N2E16CD 589
271	1N2E16CA 290	305	1N2E16CD 590
272	1N2E16CA 291	306	1N2E16CD 591
273	1N2E16CA 292	307	1N2E16CD 592
274	1N2E16CA 293	308	1N2E16CD 593
275	1N2E16CA 294	309	1N2E16CD 594
276	1N2E16CA 295	310	1N2E16CD 595
277	1N2E16CA 296	311	1N2E16CD 596
278	1N2E16CA 297	312	1N2E16CD 597
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306	1N2E16CA 325	340	1N2E16CD 625
307	1N2E16CA 326	341	1N2E16CD 626
308	1N2E16CA 327	342	1N2E16CD 627
309	1N2E16CA 32		



## REMONSTRANCE

Dated: May 29, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: Spector-Wilson Properties Inc.

Property Affected by  
Proposed LID: 6215 NE 92<sup>nd</sup> Drive, Portland, OR

Property Description  
Account: State ID#1N2E16CA 100, 1N2E16CA 101, 1N2E16CA 200

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:


- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area

surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

Spector-Wilson Properties Inc.

By 

Title: President

Name: Spector-Wilson Properties, Inc., by Gary C. Spector, its President

Date: 5/29/07

**REMONSTRANCE**

Dated: May 29, 2007

Proposed LID: NE 92<sup>nd</sup> Drive Local Improvement District (LID)

Property Owner: The Realty Associates Fund VI, LLC

Property Affected by Proposed LID: 6105-6113 NE 92<sup>nd</sup> Ave., 6031-6035 NE 92<sup>nd</sup> Ave., 6221-6231 NE 92<sup>nd</sup> Ave., 8933 NE Marx Dr., 8911 NE Marx Dr., 8727 NE Marx Dr., Portland, Oregon 97220]

Property Description/Account: Property Tax Account Numbers: R317190, R317201, R317204, R317205, R317183, R317184, R317196, R317202, R100146

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4th Ave, Room 140  
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Scheduled for February 28, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The undersigned property owner objects to the formation of the LID as proposed for the following reasons:

- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Additionally, the opening of NE 92<sup>nd</sup> Ave. to through traffic, may in fact cause harm to our properties as traffic along NE 92<sup>nd</sup> Ave will slow entry and exiting to the properties.
- The current improvements to NE Columbia Blvd/Way are underway and not yet complete. It is believed that any existing congestion will be relieved by this improvement. We feel that this enormous improvement should be completed before talk of another improvement (above described LID) in the area is raised.
- The issue of Fire & Life Safety access has been a motivator to pass this LID as it will provide secondary access. We refute this claim, as secondary access is already provided

through NE 87<sup>th</sup>, as well as the conditional use of the existing bridge (only requiring the gate be cut open), and finally through Glass Company Road, a private road.

- Finally, a coalition of Southern property owners who unanimously do NOT support this LID tried to work as a community with The Port of Portland to come to a reasonable compromise on this LID. We agreed to restructure how this LID assessment was calculated and utilize a more standardized approach in the City of Portland (square footage). The Port of Portland said they would not remonstrate against or oppose our alternative. The City Council approved this methodology and the The Port of Portland both opposed and remonstrated against it. Subsequently, the City Council retracted their approval of this standard assessment methodology (square footage) and adopted The Port of Portland's remonstrated amendment to the initial methodology (trip). The Port of Portland has not been community minded, they have not worked with us, despite our efforts to work with them, and have proven that the only special benefit of this improvement is to The Port of Portland.

The undersigned remonstrates against formation of this LID for the reasons stated above.

**The Realty Associates Fund VI, LLC**

By: Cini K. Apostol 5/29/07  
(Signature) (Date)

**Cini K. Apostol, RPA, CPM, CCIM**  
**GVA Kidder Mathews**  
**Agent for Owner**

REMONSTRANCE

Dated: May 29, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: National Storage Centers-Portland LLC

Property Affected by National Storage Centers-Portland LLC

Proposed LID: 8436 NE Marx Drive Portland, OR 97220

Property Description 1N2E16CB 500, 1N2E16CB 600, and 1N2E16CB 900

Account: R942160770

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area



LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

DEAN M. PHILLIPS  
Direct (503) 778-5284  
deanphillips@dwt.com

SUITE 2300  
1300 SW FIFTH AVENUE  
PORTLAND, OR 97201-5630

TEL (503) 241-2300  
FAX (503) 778-5299  
www.dwt.com

May 30, 2007

HAND DELIVERED

Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Avenue, Room 140  
Portland, OR 97204

Re: NE 92<sup>nd</sup> Drive LID Remonstrance; International Paper; Acct. No. R94216075

Dear Mr. Blackmer:

Please find enclosed a remonstrance filed on behalf of International Paper relating to the above-referenced LID. However, this remonstrance is being filed as a precautionary matter pending the results of discussions between the City of Portland, the Port of Portland, and International Paper relating to a proposed revision of the assessment formula. In the event the parties are able to arrive at an agreement with respect to the negotiation of the assessment formula and the city council adopts a revised formula based on the agreement of the parties, the remonstrance will be withdrawn.

Very truly yours,

Davis Wright Tremaine LLP

Dean M. Phillips

DMP:bas  
Enclosure

cc Andrew Abby  
Todd Thompson  
James Howe  
Kim Seaton

## REMONSTRANCE

Dated: May 25, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: International Paper Company, 6400 Poplar Ave., Memphis, TN 38197

Property Affected by  
Proposed LID: 9103/9111 NE Columbia Blvd, Portland, OR

Property Description  
Account: Section 16 1N 2E; TL 900, 12.50 Acres; Tax Account R 942160750

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area



surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties.
- The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

INTERNATIONAL PAPER COMPANY

By



Name: Mark G. Stall

Title: Assistant Secretary

Date: May 25, 2007



REMONSTRANCE

Dated: May 26, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: Thomas G. Saunders

Property Affected by  
Proposed LID: 9331 NE Colfax

Property Description  
Account: 1N2E16D1400

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

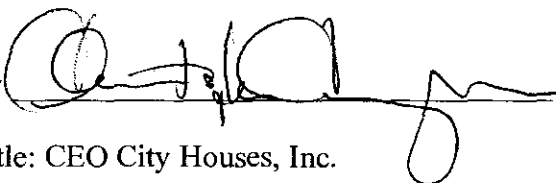
- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
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surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

[Property Owner's Name As Shown on Title Records]

By  POA for Thomas G. Saunders Property Owner  
Title: CEO City Houses, Inc.

Name: Christopher Cournoyer

Date: May 26, 2007

## REMONSTRANCE

Dated: May 29, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: Medard Cronin

Property Affected by  
Proposed LID: 9438 - 9450 NE Colfax St.

Property Description  
Account: R614700990

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

RECEIVED  
2007 MAY 29 P 4:01  
GARY BLACKMER, AUDITOR  
CITY OF PORTLAND, OR

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area

May 29 07 09:59a

AERO KRAFT NORTH

(503) 408-8145

P. 1

surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

[Property Owner's Name As Shown on Title Records]

By Medard Cronin

Title: Owner

Name: Medard Cronin

Date: 5-29-07

# 9438 - # 9450 NE Colfax

REMONSTRANCE

Dated: May 29, 2007  
Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)  
Property Owner: Medard Cronin  
Property Affected by  
Proposed LID: 9400 NE Colfax St.  
Property Description  
Account: R 614 700 960

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

RECEIVED  
2007 MAY 29 P 4:01  
GARY BLACKMER, AUDITOR  
CITY OF PORTLAND, OR

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area

May 29 07 09:59a

AERO KRAFT NORTH

(503)408-8145

P.2

surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

[Property Owner's Name As Shown on Title Records]

By

Medard Cronin

Title:

Owner

Name:

Medard Cronin

Date:

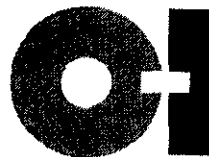
5-29-07

#9400 NE Colfax



RECEIVED

2007 MAY 30 P 12:21



Robert Dolph  
Plant Superintendent  
9710 NE Glass Plant Road  
Portland OR, 9  
+1 503 251 9415 tel  
+1 503 251 9442 fax  
bob.dolphin@o-i.com  
www.o-i.com

Hand Deliver

GARY BLACKMER, AUDITOR  
CITY OF PORTLAND, OR

Date: May 30, 2007 BY \_\_\_\_\_

Proposed LID: NE 92<sup>nd</sup> Drive Local Improvement District (LID)  
Property Owner: Owens-Brockway Glass Container Inc.  
Property Affected by Proposed LID: 5850 NE 92<sup>nd</sup> Ave.  
Property Description/Account: Section 16 IN 2E; TL 2900 0.81 Acres Split Levy  
R317171 (R94216-0060)

Mr. Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave, Room 140  
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.
- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.

May 30, 2007

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

**Owens-Brockway Glass Container Inc.**

By: Robert Dolphin  
(Signature) (Date)

Robert Dolphin, Authorized Representative  
Plant Superintendent



## REMONSTRANCE

RECEIVED

VIA OVERNIGHT DELIVERY

2007 MAY 31 A 10:04

May 29, 2007

GARY BLACKMER, AUDITOR  
CITY OF PORTLAND, ORRE: Proposed LID: NE 92<sup>nd</sup> Drive Local Improvement District (LID) ~~District (LID)~~

Property Owner: Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC, successor-in-interest to Holsum Foods and A.E. Staley Manufacturing Co. with regard to the referenced Property Affected.)

Property Affected  
by Proposed LID: 9000 NE Marx Dr. and 9044 NE Marx Dr.

## Property Description

/Account: AP Industrial Park; TL 1100 Block 4; Land & Imps (141592)  
AP Industrial Park; TL 300 Block 4; Land & Imps (141589)  
AP Industrial Park; TL 200 Block 4; (141591)TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4th Ave, Room 130  
Portland, OR 97204Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).

- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.
- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law. In fact, the proposed improvements likely will negatively impact the property owner's developed parcels, due to increased vehicular traffic unrelated to the industrial activity in the southern portion of the proposed LID. The only direct benefit will be conferred on undeveloped property in the northern section of the LID.
- Communication of the proposed assessments for the project has been inconsistent and confused, making it difficult for owners of affected property to determine the likely financial impact of the project. Despite written request by the property owner identifying the proper address for all future communications, no notices have been received at that address (see enclosed). The property owner has been prejudiced by the lack of adequate notice and time in which to prepare its objections to the proposed action.

[Concluded on following page.]

- Ventura Foods, LLC reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

The undersigned remonstrates against formation of this LID for the reasons stated above.

***Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC)***

By:   
Daniel J. McCarrel  
Vice President & Associate General Counsel

*Enclosure*

*Please address all future notices to:*

*Daniel J. McCarrel  
Legal Department  
Ventura Foods, LLC  
40 Pointe Dr.  
Brea, CA 92821*



## REMONSTRANCE

February 20, 2007

RE: Proposed LID: NE 92<sup>nd</sup> Drive Local Improvement District (LID)

Property Owner: Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC, successor-in-interest to Holsum Foods and A.E. Staley Manufacturing Co. with regard to the referenced Property Affected.)

Property Affected  
by Proposed LID: 9000 NE Marx Dr. and 9044 NE Marx Dr.

Property Description  
/Account: AP Industrial Park; TL 1100 Block 4; Land & Imps (141592)  
AP Industrial Park; TL 300 Block 4; Land & Imps (141589)  
AP Industrial Park; TL 200 Block 4; (141591)

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4th Ave, Room 130  
Portland, OR 97204-1905

Re: Remonstrance pursuant to Portland City Code Section 17.08.070  
Resolution for Formation of District Scheduled for February 28, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, Ventura Foods, LLC, the owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The Ventura Foods, LLC objects to the formation of the LID as proposed for the following reasons:

- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the street improvements. While some benefit may be derived to the properties within the LID, e.g., improved corridor safety, the benefits are general in nature rather than a special benefit to the subject property.
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree, if not more,

than those properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, and 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses.
- Communication of the proposed assessments for the project have been inconsistent and confused, making it difficult for owners of affected property to determine the likely financial impact of the project (see enclosed notices – one indicating \$0 assessment and another indicating an estimated assessment of \$88,808.54 for the same property).
- Ventura Foods, LLC reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

Ventura Foods, LLC objects to the hearing on this matter scheduled for February 28, 2007 on the grounds that adequate notice and opportunity to remonstrate has not been given to affected property owners. Ventura requests that the hearing be re-noticed and scheduled for a date following adequate notice.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

***Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC)***

By: 

*Daniel J. McCarrel*

*Vice President & Associate General Counsel*

*Enclosures*

*Please address all future notices to:*

*Daniel J. McCarrel  
Legal Department  
Ventura Foods, LLC  
40 Pointe Dr.  
Brea, CA 92821*

## DECLARATION

I, Daniel J. McCarrel, hereby declare:

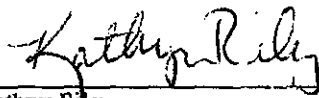
1. That I am a full-time employee of Ventura Foods, LLC, 40 Pointe Drive,  
Brea, California 92821.
2. That I am employed in the position of Vice President and Associate General  
Counsel of Ventura Foods, LLC.
3. That I am authorized to represent Ventura Foods, LLC in all legal matters
4. That I am a licensed attorney in good standing with the California State Bar,  
License No. 136997.
5. That I have been specifically requested by the Management of Ventura Foods,  
LLC to represent the Company in the filing of a remonstrance regarding the  
proposed NE 92<sup>nd</sup> Drive Local Improvement District (LID).

  
Daniel J. McCarrel

State of California       )  
                                      )  
County of Orange        )

On Feb. 20, 2007, before me, Kathryn Riley, a Notary Public, personally appeared  
DANIEL J. MCCARREL, personally known to me, or proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed  
the same in his authorized capacity and that by his signature on the instrument the person or entity upon behalf of which  
the person acted, executed the instrument.

Witness my hand and official seal.

  
Kathryn Riley  
Notary Public

(seal)







CITY OF  
**PORTLAND, OREGON**

OFFICE OF CITY AUDITOR

Gary Blackmer, City Auditor

Assessments, Finance &  
Foreclosure Division  
1221 SW 4th Ave, Room 130  
Portland, OR 97204-1905

**HEARING NOTICE AND COST ESTIMATE**

To: VENTURA FOODS LLC  
P O BOX 3636  
CITY OF INDUSTRY CA 91744

Date: 02/07/2007  
Account No 141591  
Project No. C10020  
Tax Acct No R000201630

PROJECT: NE 92ND DRIVE STREET LID  
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER  
IMPROVEMENTS  
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address: 9044 NE MARX DR  
Legal Description: A P INDUSTRIAL PARK; IL 200 BLOCK 4  
Estimated Assessment: \$18,138.61

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4<sup>th</sup> Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.



CITY OF

**PORTLAND, OREGON**

OFFICE OF CITY AUDITOR

**Gary Blackmer, City Auditor**

Assessments, Finance &  
Foreclosure Division  
1221 SW 4th Ave., Room 130  
Portland, OR 97204-1905

**HEARING NOTICE AND COST ESTIMATE**

To: WILSEY-HOLSUM FOODS L L C  
% VENTURA FOODS L L C  
ATTN BAVILLE, THOMAS  
40 POINTE DR  
BREA CA 92821

Date: 02/07/2007  
Account No. 141592  
Project No. C10020  
Tax Acct. No. R000201640

PROJECT: NE 92ND DRIVE STREET LID  
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER  
IMPROVEMENTS  
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address:	9000 NE MARX DR
Legal Description:	A P INDUSTRIAL PARK; TL 1100 BLOCK 4; LAND & IMPS
Estimated Assessment:	\$88,808.54

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4<sup>th</sup> Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648



CITY OF

# PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Gary Blackmer, City Auditor

Assessments, Finance &  
Foreclosure Division  
1221 SW 4th Ave., Room 130  
Portland, OR 97204-1905

## HEARING NOTICE AND COST ESTIMATE

To: A E STALEY MANUFACTURING CO  
% HOLSUM FOODS  
14840 E DON JULIAN RD  
CITY OF INDUSTRY CA 91746

Date: 02/07/2007  
Account No. 141589  
Project No. C10020  
Tax Acct. No. R000201610

PROJECT: NE 92ND DRIVE STREET LID  
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER  
IMPROVEMENTS  
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address:	9000 NE MARX DR
Legal Description:	A P INDUSTRIAL PARK; TL 300 BLOCK 4
Estimated Assessment:	\$ 0 00

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4<sup>th</sup> Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.

**REMONSTRANCE**

Dated: May 26, 2007

Proposed LID: NE 92<sup>nd</sup> Drive Local Improvement District (LID)

Property Owner: GULSONS, LLC

Property Affected by Proposed LID: 6136 NE 87<sup>th</sup> Avenue, Portland, Oregon 97220

Property Description/Account: Property Tax Account Numbers: R000201580

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4th Ave, Room 140  
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Scheduled for February 28, 2007

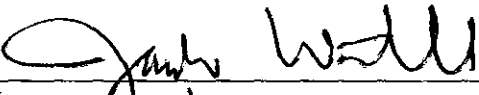
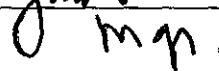
Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The undersigned property owner objects to the formation of the LID as proposed for the following reasons:

- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Additionally, the opening of NE 92<sup>nd</sup> Ave. to through traffic, may in fact cause harm to our properties as traffic along NE 92<sup>nd</sup> Ave will slow entry and exiting to the properties.
- The current improvements to NE Columbia Blvd/Way are underway and not yet complete. It is believed that any existing congestion will be relieved by this improvement. We feel that this enormous improvement should be completed before talk of another improvement (above described LID) in the area is raised.
- The issue of Fire & Life Safety access has been a motivator to pass this LID as it will provide secondary access. We refute this claim, as secondary access is already provided through NE 87<sup>th</sup>, as well as the conditional use of the existing bridge (only requiring the gate be cut open), and finally through Glass Company Road, a private road.

- Finally, a coalition of Southern property owners who unanimously do NOT support this LID tried to work as a community with The Port of Portland to come to a reasonable compromise on this LID. We agreed to restructure how this LID assessment was calculated and utilize a more standardized approach in the City of Portland (square footage). The Port of Portland said they would not remonstrate against or oppose our alternative. The City Council approved this methodology and the The Port of Portland both opposed and remonstrated against it. Subsequently, the City Council retracted their approval of this standard assessment methodology (square footage) and adopted The Port of Portland's remonstrated amendment to the initial methodology (trip). The Port of Portland has not been community minded, they have not worked with us, despite our efforts to work with them, and have proven that the only special benefit of this improvement is to The Port of Portland.
- This improvement is not needed and not wanted by the Southern Property Owners. The Port of Portland has shown bad faith in their dealings and for that reason; we believe the project should be cancelled.

The undersigned remonstrates against formation of this LID for the reasons stated above.

**GULSONS, LLC**

By:   
Its: 

## REMONSTRANCE

Dated: May 25, 2007

Proposed LID: NE 92<sup>ND</sup> Drive Local Improvement District (LID)

Property Owner: GULSONS, LLC

Property Affected by  
Proposed LID: 6136 NE 87<sup>th</sup> Avenue, Portland, OR 97220

Property Description  
Account: R000201680

TO: Gary Blackmer  
City of Portland Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204

RE: **Remonstrance Pursuant to Portland City Code Section 17.08.070**  
Resolution for Formation of District Approved by City Council May 9, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of property identified above that is within the proposed boundaries of the above-referenced LID hereby remonstrates against the formation of the proposed LID and the trip volume assessment formula approved by City Council at its May 9, 2007 meeting for the following reasons:

- The subject owner's property will not receive any special benefit as a result of the proposed capital improvement as required by law. The proposed capital improvements of street, bridge pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as the primary justification for the improvements. Any benefits derived such as improved corridor safety are general in nature rather than special benefits to properties within the LID as required by law. There must be sufficient evidence of special benefit for establishment of an LID. See *Paulson v. City of Portland*, 18 Or 450, 459 P 45 (1889), *aff'd* 149 US 30 (1893).
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. In inspection of the proposed boundaries drawn for the LID and the general area

surrounding the proposed LID will show that any benefit derived from the LID extends to a broader area again demonstrating that any potential benefits are general in nature.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which results in an unreasonable allocation of costs between the undeveloped properties and developed properties. The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method does not reflect the special benefit to the properties. Assessments must result in an assessment equivalent to the special benefit derived as a result of the improvements. See *King v. City of Portland*, 38 Or 412, 63 P 2 (1900).
- The improvements are not likely to increase the value of the developed properties demonstrating that the proposed assessment is not tied to special benefit to the property as required by law.
- These improvements primarily benefit the Port of Portland and they should pay their fair share which they are not doing under this formula.

The undersigned remonstrates against formation of the proposed LID and the proposed assessment methodology for the reasons stated above.

GULSONS, LLC

By JD Watumull

Title: Manager

Name: JD Watumull

Date: 5/25/07