



Sam  
Adams  
Commissioner

June 4, 2008

Susan D.  
Keil  
Director

## SUMMARY OF REMONSTRANCES AND FINDINGS TO COUNCIL

Don  
Gardner  
Engineering &  
Development

### Create a local improvement district to construct street improvements north of Francis Street in the SE 31st Avenue Local Improvement District (Hearing; Ordinance; C-10026)

Lavinia  
Gordon  
System  
Management

#### I. SUMMARY

Suzanne  
Kahn &  
Eric  
Peterson  
Maintenance

A written remonstrance was received by the filing deadline objecting to formation of the SE 31st Avenue Local Improvement District (LID). The remonstrance was submitted by the owner of 2 of the 6 properties proposed for inclusion in the LID. This remonstrance is invalid with respect to one of the two properties under common ownership since a previous owner has waived the right to object to formation of the local improvement district. Total remonstrances represent 11.6% of the total area of properties included in the local improvement district; 16.2% of the assessable area of properties included in the local improvement district; and 12.6% of the estimated assessment of properties included in the local improvement district.

John  
Rist  
Business  
Services

#### II. SPECIFIC RESPONSES TO THE REMONSTRANCE FILED BY PROPERTY OWNERS BRADLEY MATSON AND MELISSA TAYLOR

Paul  
Smith  
Planning

A remonstrance was submitted by Bradley Matson and Melissa Taylor, owners of the developed property at 3818 SE 31st Avenue; State ID #1S1E12CA 3100; Tax Account #R991120310; legal description SECTION 12 1 S 1 E; TL 3100 0.23 ACRES; pending lien record #145030 (hereafter "south property"); and owners of the vacant property at 3738 SE 31st Avenue; State ID #1S1E12CA 3200; Tax Account #R837100270; legal description TOMLINSONS ADD; LOT 3 BLOCK 2; pending lien record #145029 (hereafter "north property"); see Attachment 1.

#### ISSUES RAISED BY THE REMONSTRANCE

Issue No. 1: It has always been our intention to reserve the second, northern lot as green space and not to develop it. Since we are committed to not developing this property, we see little purpose for investing \$58,000 in street improvements adjacent to it.

#### Findings:

- a. A current owner cannot now object to formation of this LID on behalf of the north property because a waiver of remonstrance has previously been recorded for this property. This binds all current and future owners of this property for the north property; however the remonstrance is valid for the south property; see Attachment 2.

An Equal  
Opportunity  
Employer

- b. The estimated combined assessment of \$57,335.00 covers two properties; i.e., \$28,667.50 for both the north property and the south property. Therefore the estimated assessment for the north parcel is \$28,667.60 not \$58,000.00 as implied in the remonstrance.
- c. The estimated assessment is based and future and potential benefit to both properties. Notwithstanding the current property owners' intent to retain the usage of the north property as a backyard for the already-developed south property, a future owner of the north property could choose to develop it.
- d. Construction of the street, sidewalk and stormwater improvements will be adjacent to both properties, not just adjacent to the north property as implied in the remonstrance. This will eliminate the maintenance responsibility for the street frontage along both properties. This maintenance responsibility is established by City Code and would remain in the absence of the LID project being constructed, notwithstanding the intent of the current property owners not to develop the north property.
- e. The north parcel should be assessed because special benefit is predicated on highest and best use of the land. Even if this property could not be developed (which is not the case), the special benefit would only be reduced, not eliminated entirely for reasons including, but not limited to, maintenance responsibility; see response "d".
- f. As stated by Mr. Matson at the May 7, 2008 City Council session, improving SE 31st Avenue will eliminate a problem with four wheel traffic traveling at excessive speed to get illegal access from SE 31st Avenue to SE Powell Boulevard despite SE 31st Avenue being a dead-end street north of SE Francis Street; see record of Resolution No. 36602.

Issue No. 2: The street improvement would likely increase our property taxes.

Finding:

- a. Oregon voters approved Ballot Measure 50 in May 1997, which limits increases in assessed value to 3% per year except for specific exceptions, for which public improvements constructed under auspices of an LID do not apply. As of tax year 2007, the north parcel had a real market value of \$174,800 but carried an assessed value of only \$30,660. Similarly, as of tax year 2007, the south parcel had a real market value of \$407,840 but carried an assessed value of only \$181,120. These properties' real market values exceeding assessed value reflects the effects of the 3% cap in annual increases in assessed value resulting from Ballot Measure 50.

### III. RECOMMENDATION

It is the recommendation of the Local Improvement District Administrator that the City Council overrule any and all remonstrances and form the SE 31st Avenue Local Improvement District.

Respectfully submitted,

*Andrew H. Aebi*

Andrew H. Aebi  
Local Improvement District Administrator

RECEIVED  
JUN 02 2008  
OFFICE OF THE  
CITY AUDITOR

To: Gary Blackmer, City Auditor  
Assessments, Finance, & Foreclosure Division  
1221 SW 4<sup>th</sup> Ave, Room 130  
Portland, OR 97204-1905

Date: 29 May 08  
Account No.: 145029/145030  
Project No.: C10026  
Tax Acct No.: R837100270/  
R991120310

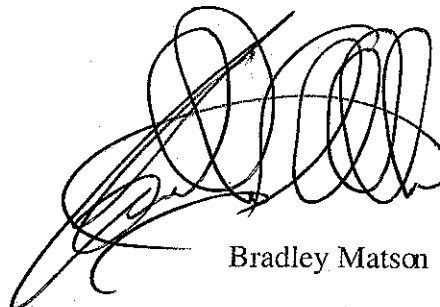
To Whom It May Concern:

We, the owners of 3818 and 3738 SE31<sup>st</sup> Ave, commend the LID Administrator, Andrew Abei, for addressing the concerns of ourselves and our immediate neighbours. However, we will not support this project financially.

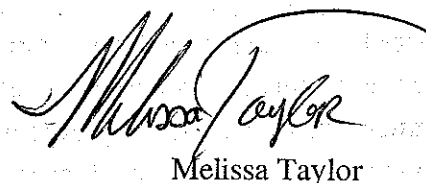
Our primary residence is situated on the Southern-most lot of the the two adjoining properties listed above. It has always been our intention to reserve the second, Northern lot as green space and not to develop it. Since we are committed to not developing this property, we see little purpose for investing \$58,000 in street improvements adjacent to it. Although such improvements would enhance the livability of our neighbourhood, we cannot rationalise investing nearly ten percent of the combined accessed value of our properties on a project which would produce no financial return on the investment. Moreover, the street improvement would likely increase our property taxes. Please realise that, unlike the other properties affected by this LID, ours are not profit-making; when we invest in our property, we do so primarily to increase the ascetics or functionality of the property rather than to increase its value or enhance profitability.

In summary, this LID is too costly for us as private land owners living on the affected properties. We will not and cannot financially support this LID.

Sincerely,



Bradley Matson



Melissa Taylor

May 30, 08

STREET WAIVER

BOOK 1482 PAGE 1237

1495

The undersigned own the following described real property located in the City of Portland, Multnomah County, Oregon:

LOT 3, BLOCK 2, TOMLINSON'S ADD

The undersigned owner (owners) wishing to divide above said property or construct a building on said property, and in lieu of improving the adjacent streets, as required by City Code, does (do) hereby agree that said property shall be counted in favor of any street improvement planned by the City of Portland and designed to serve this property. Further, the undersigned agree not to remonstrate against the street improvements and the assessment of this property for its proportionate share of the cost thereof.

It is understood that the Portland City Council, in its discretion, may initiate a Local Improvement District (L.I.D.), providing for the construction of a fully improved street at such time as a majority of the owners of property in this area either sign waivers similar to this one or petition the City for such an improvement.

This agreement is for the benefit of the City of Portland and is intended to run with the above described land and bind all subsequent purchasers.

DATED this 31st day of October, 1980.

ZELMA RUTAN

IRENE MERCHANT

*Zelma Rutan Weymouth* (SEAL)  
*Irene M Merchant* (SEAL)

STATE OF OREGON )  
County of Multnomah )

BE IT REMEMBERED, that on this 31<sup>st</sup> day of October, A.D. 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Zelma Rutan Weymouth & Irene M Merchant who known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they, executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

*Linda M. Snell*  
Notary Public for Oregon SNELL  
NOTARY PUBLIC-OREGON  
My Commission Expires 1/25/82

