

Agenda No.  
**RESOLUTION NO.**  
Title

See Substitute  
Resolution 36892

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development &amp; Capital Program Other</p> <p>Prepared by: Andrew Aebi:slg Date Prepared: July 5, 2011</p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>July 20, 2011 10:10 AM Time Certain</b></p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>JUL 15 2011</u></p> <p><i>LaVonne Griffin-Valade</i> LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p>JUL 20 2011 REFER TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p> <p>OCT 05 2011 RESCHEDULED TO NOV 16 2011 9:30 A.M. TIME CERTAIN</p> <p>NOV 16 2011 RESCHEDULED TO DEC 07 2011 10:00 AM TIME CERTAIN</p> <p>DEC 07 2011 REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/></p> <p>Start time: <b>10:10 AM, Regular Agenda</b></p> <p>Total amount of time needed: <b>15 min.</b> (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Leonard	4. Leonard	
Adams	Adams	

**SE 33<sup>RD</sup> AVE AND PARDEE ST LOCAL IMPROVEMENT DISTRICT**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
David Foster	4609 SE 33 <sup>rd</sup> Ave Portland 97202	Luckydri42003@yahoo.com



CITY OF  
**PORTLAND**  
BUREAU OF  
**TRANSPORTATION**



Sam  
Adams  
Mayor

Tom  
Miller  
Director

November 29, 2011

**TO:** City Council Members

**FROM:** Andrew Aebi, Local Improvement District Administrator **AA**

**SUBJECT: SE 33rd Avenue & Pardee Street LID - 12/07/11 Time Certain Agenda 9:30 AM:  
Terminate in Lieu of Initiate LID Formation Proceedings**

**Original Resolution Title:**

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

**Substitute Resolution Title:**

Declare intent to terminate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

**Purpose of Substitution:**

The purpose of the amendment is to reflect withdrawn petition support for this project and to terminate LID formation proceedings in lieu of initiating LID formation proceedings.

Therefore:

**Resolution**

- 1) Change "initiate" to "terminate" in the Resolution title
- 2) Change "initiation" to "termination" within the Resolution
- 3) Change "recommends initiation" to "does not recommend initiation" within the Resolution
- 4) Change "will provide funding" to "will not provide funding" within the Resolution
- 5) Change "intends to construct" to "does not intend to construct" within the Resolution

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FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • [www.portlandoregon.gov](http://www.portlandoregon.gov)

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6) Change final directive in the Resolution

From:

BE IT FURTHER RESOLVED, that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on August 17, 2011 at 9:30 AM or on the earliest practicable date thereafter.

To:

BE IT FURTHER RESOLVED, that the Local Improvement District Administrator will not repetition this or a substantially similar local improvement district for six months after adoption of this Resolution pursuant to Section 17.08.060 of City Code. All properties within this LID, including exempt properties, defer but do not eliminate their responsibility for future frontage improvements under Section 17.88.020 of City Code. As of September 21, 2011 typical street development standards for R2 zoning applicable to SE Pardee Street was a 32'-wide roadway within a 64'-wide right-of-way. As of October 4, 2011 typical street development standards for R5 zoning applicable to SE 33rd Avenue was a 26'-wide roadway within a 56'-wide right-of-way, with the Bureau of Environmental Services also requiring the extension of the existing public sanitary sewer by approximately 112 feet north.

**Exhibit A – Petition Support**

5) Append November 4, 2011 "letter of opposition" from Bernie McGuire to Exhibit A.

**Exhibit B – Petition Evaluation**

6) Exhibit B is replaced with Exhibit B attached to this memorandum.

**Exhibit C – Project Map**

7) Change the three properties owned by Bernie McGuire

From: "Petition Support"

To: "Withdrawn Petition Support".

**Financial Impact Statement**

No change.



**RESOLUTION No.**

Declare intent to terminate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

WHEREAS, valid petitions from owners of properties within the proposed SE 33rd Avenue and Pardee Street Local Improvement District were filed with the Local Improvement District Administrator as contained in Exhibit A (attached to the original only); and

WHEREAS, the Local Improvement District Administrator has reviewed the petitions attached in Exhibit A and determined all of them to be valid; and

WHEREAS, as set forth in Section 17.08.010 of City Code the Bureau of Transportation is the Responsible Bureau for the proposed improvement, and the Bureau does not recommend initiation of local improvement district formation proceedings; and

WHEREAS, the petitions contain signatures of owners of property representing a majority of the properties which will be specially benefited by the proposed improvement as evaluated in Exhibit B; and

WHEREAS, the project is located in the Reed neighborhood, whose neighborhood association was notified of this project on April 15, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the local improvement district shall be known as the SE 33rd Avenue and Pardee Street Local Improvement District and for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit C; and

BE IT FURTHER RESOLVED, that the general character and scope of the SE 33rd Avenue improvement from 326 feet north of the north right-of-way line of SE Schiller Street to the south right-of-way line of SE Pardee Street is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base asphaltic concrete in the vehicle travel lane area and Portland cement concrete in the pedestrian area; construct stormwater management facilities; and plant street trees in most locations; and

BE IT FURTHER RESOLVED, the general character and scope of the SE Pardee Street improvement from the east right-of-way line of SE 31st Avenue to the west right-of-way line of SE 33rd Place is to remove the existing dirt, gravel and/or hard surface; grade the path to its proper subgrade; construct a concrete multiuse path with an aggregate base; and add path lighting; and

BE IT FURTHER RESOLVED, the preliminary estimate of the cost of the improvements is \$820,495.63 and the Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006, given that project specifications are preliminary; and

BE IT FURTHER RESOLVED, that the assessment methodology of the SE 33rd Avenue and Pardee Street shall be on an abutting linear footage basis, unless this assessment methodology is modified by Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that property owners will not provide funding estimated at \$699,594.39 plus the costs of extra work, if any; and the Bureau of Transportation will not provide funding estimated at \$120,901.24 for overhead costs; and

BE IT FURTHER RESOLVED, that the Council does not intend to construct the project with survey, design and project management by the Bureau of Transportation, and construction of the improvement by the contractor submitting the lowest responsive bid for the improvement; and

BE IT FURTHER RESOLVED, that the Local Improvement District Administrator will not repetition this or a substantially similar local improvement district for six months after adoption of this Resolution pursuant to Section 17.08.060 of City Code. All properties within this LID, including exempt properties, defer but do not eliminate their responsibility for future frontage improvements under Section 17.88.020 of City Code. As of September 21, 2011 typical street development standards for R2 zoning applicable to SE Pardee Street was a 32'-wide roadway within a 64'-wide right-of-way. As of October 4, 2011 typical street development standards for R5 zoning applicable to SE 33rd Avenue was a 26'-wide roadway within a 56'-wide right-of-way, with the Bureau of Environmental Services also requiring the extension of the existing public sanitary sewer by approximately 112 feet north.

Adopted by the Council,

Mayor Sam Adams

Prepared by: Andrew Aebi:slg

Date Prepared: November 29, 2011

**LaVonne Griffin-Valade**

AUDITOR OF THE CITY OF PORTLAND


By

Deputy

Agenda No.  
**RESOLUTION NO.**

Title

Declare intent to terminate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>LaVonne Griffin-Valade on behalf of Mayor Adams</i> <b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other Prepared by: Andrew Aebi:slg Date Prepared: November 29, 2011 Financial Impact & Public Involvement Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date <b>December 7, 2011</b> <b>City Attorney Approval</b>	<b>CLERK USE: DATE FILED</b> <u>DEC 02 2011</u> LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy <b>ACTION TAKEN:</b>
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<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> <b>Start time:</b> _____ <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input checked="" type="checkbox"/> <b>Total amount of time needed: 30 min</b> (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Leonard	4. Leonard		
Adams	Adams		

**Aebi, Andrew**

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**From:** bernard mcguire [bernardmcguire@gmail.com]

**Sent:** Friday, November 04, 2011 9:56 AM

**To:** Aebi, Andrew

**Subject:** Letter of Opposition

**Attachments:** Aebi letter.docx

Andrew,

As requested, here is my letter of opposition.

Bernie McGuire

11/28/2011

**SE 33RD AVENUE AND PARDEE STREET LOCAL IMPROVEMENT DISTRICT**  
**SE 33rd Avenue and Pardee Street**  
**Apportionment Worksheet**  
Prepared by the Local Improvement District Administrator on 11/29/11

STATE_ID	RNO	PROPERTYID	OWNER	SITEADDR	Total L.F.	Assessable L.F.	Percent of LID	Estimate Actual Cost	Estimate As Petitioned	Rate/L.F.	RMV	Ratio	Notes
Properties for Which Petition Received													
1S1E13BA	8000	R263100610	R159392	WEINER,HERBERT S	4647 SE 33RD AVE	75	25	1.8%	\$14,641.25	\$12,483.84	\$499.35	\$403,360	32.3
1S1E13BA	100	R991131620	R328358	GRAND LODGE I O O F	3320 SE HOLGATE BLVD	336	336	24.0%	\$196,778.42	\$167,782.81	\$499.35	\$18,825,630	112.2 W
1S1E13BA	300	R991131570	R328354	GRAND LODGE I O O F	3102 SE HOLGATE BLVD	151	151	10.8%	\$88,433.15	\$75,402.39	\$499.35	\$16,438,480	218.0 W
1S1E13BA	200	R991131610	R328357	GRAND LODGE I O O F(LEASE KENI	3214 SE HOLGATE BLVD	212	212	15.1%	\$124,157.80	\$105,862.96	\$499.35	\$6,286,400	59.4 W
Waivered Properties for Which No Petition Received													
1S1E13BA	8900	R337300660	R172371	FOTY,TERRELL V	4634 SE 33RD AVE	58	58	4.1%	\$33,967.70	\$28,962.51	\$499.35	\$322,270	11.1 W
1S1E13BA	9000	R337300840	R172378	SHEPARD,JON S	4618 SE 33RD AVE	52	52	3.7%	\$30,453.80	\$25,966.39	\$499.35	\$257,720	9.9 W
Government Properties													
None.													
Nonwaivered Properties for Which Petition Support Withdrawn													
1S1E13BA	9100	R337300810	R172377	MCGUIRE,BERNARD & MCGUIRE,MARY	3316 SE PARDEE ST	50	50	3.6%	\$29,282.50	\$24,967.68	\$499.35	\$183,670	7.4
1S1E13BA	9101	R337300800	R624318	MCGUIRE,BERNARD & MCGUIRE,MARY	W/3316 SE PARDEE ST	25	25	1.8%	\$14,641.25	\$12,483.84	\$499.35	\$83,000	6.6
1S1E13BA	9102	R337300820	R624319	MCGUIRE,BERNARD & MCGUIRE,MARY	E/3316 SE PARDEE ST	142	142	10.1%	\$83,162.30	\$70,908.21	\$499.35	\$107,500	1.5
Nonwaivered Properties for Which No Petition Received													
1S1E13BA	7800	R263100580	R159390	FOSTER,DAVID & GUNDERSON,BRENDA	4609 SE 33RD AVE	200	200	14.3%	\$117,130.00	\$99,870.72	\$499.35	\$540,440	5.4
1S1E13BA	9200	R337300590	R172368	SALTZMAN,JEFFREY	3332 SE PARDEE ST	75	75	5.4%	\$43,923.75	\$37,451.52	\$499.35	\$222,170	5.9
1S1E13BA	7900	R263100600	R159391	SHELLHORN,SARAH	4617 SE 33RD AVE	75	75	5.4%	\$43,923.75	\$37,451.52	\$499.35	\$247,250	6.6
Exempt Properties													
1S1E13BA	7700	R263100670	R159397	MC MAHON,KATHLEEN	4602 SE 32ND AVE	100	0	0.0%	\$0.00	\$0.00	n.m.	n.m.	n.m. X
1S1E13BA	6000	R263100480	R159381	OREN,TALIA	4603 SE 32ND AVE	100	0	0.0%	\$0.00	\$0.00	n.m.	n.m.	n.m. X
1S1E13BA	5901	R263100570	R514968	WOO,WARREN J	4606 SE 31ST AVE	100	0	0.0%	\$0.00	\$0.00	n.m.	n.m.	n.m. X
TOTAL:						1,751	1,401	100.0%	\$820,495.67	\$699,594.39	\$499.35	\$43,917,890	62.8
4	51.7%	Properties for Which Petition Received				774	724	51.7%	\$424,010.62	\$361,532.00	\$499.35	\$41,953,870	116.0
2	7.9%	Waivered Properties for Which No Petition Received				110	110	7.9%	\$64,421.50	\$54,928.90	\$499.35	\$579,990	10.6
0	0.0%	Government Support				0	0	0.0%	\$0.00	\$0.00	n.m.	\$0	n.m.
6	59.5%	Total Support				884	834	59.5%	\$488,432.12	\$416,460.90	\$499.35	\$42,533,860	102.1
3	15.5%	Nonwaivered Properties for Which Petition Support Withdrawn				217	217	15.5%	\$127,086.05	\$108,359.73	\$499.35	\$374,170	3.5
3	25.0%	Nonwaivered Properties for Which No Petition Received				350	350	25.0%	\$204,977.50	\$174,773.76	\$499.35	\$1,009,860	5.8
3	0.0%	Exempt Properties				300	0	0.0%	\$0.00	\$0.00	n.m.	\$0	n.m.
15	100.0%	Total				1,751	1,401	100.0%	\$820,495.67	\$699,594.39	\$499.35	\$43,917,890	62.8
Notes: F - Obligation to complete frontage improvements deferred to the future due to lack of sufficient existing right-of-way and will not be completed by this LID.													
Notes: W - Owner of property has previously waived right to remonstrate against formation of a local improvement district. X - 100% of property is exempted from assessment. There is insufficient existing right-of-way to build frontage improvements for this property as part of this LID. Abutting frontage improvements on SE Pardee Street will be required in the future upon red													





# SE 33rd Ave and Pardee St LID Map

## Subject Area

Local Improvement  
District Boundary

Taxlots in LID

- Petition Support
- Withdrawn Petition Support
- No Petition Support
- Waiver Support
- Exempt

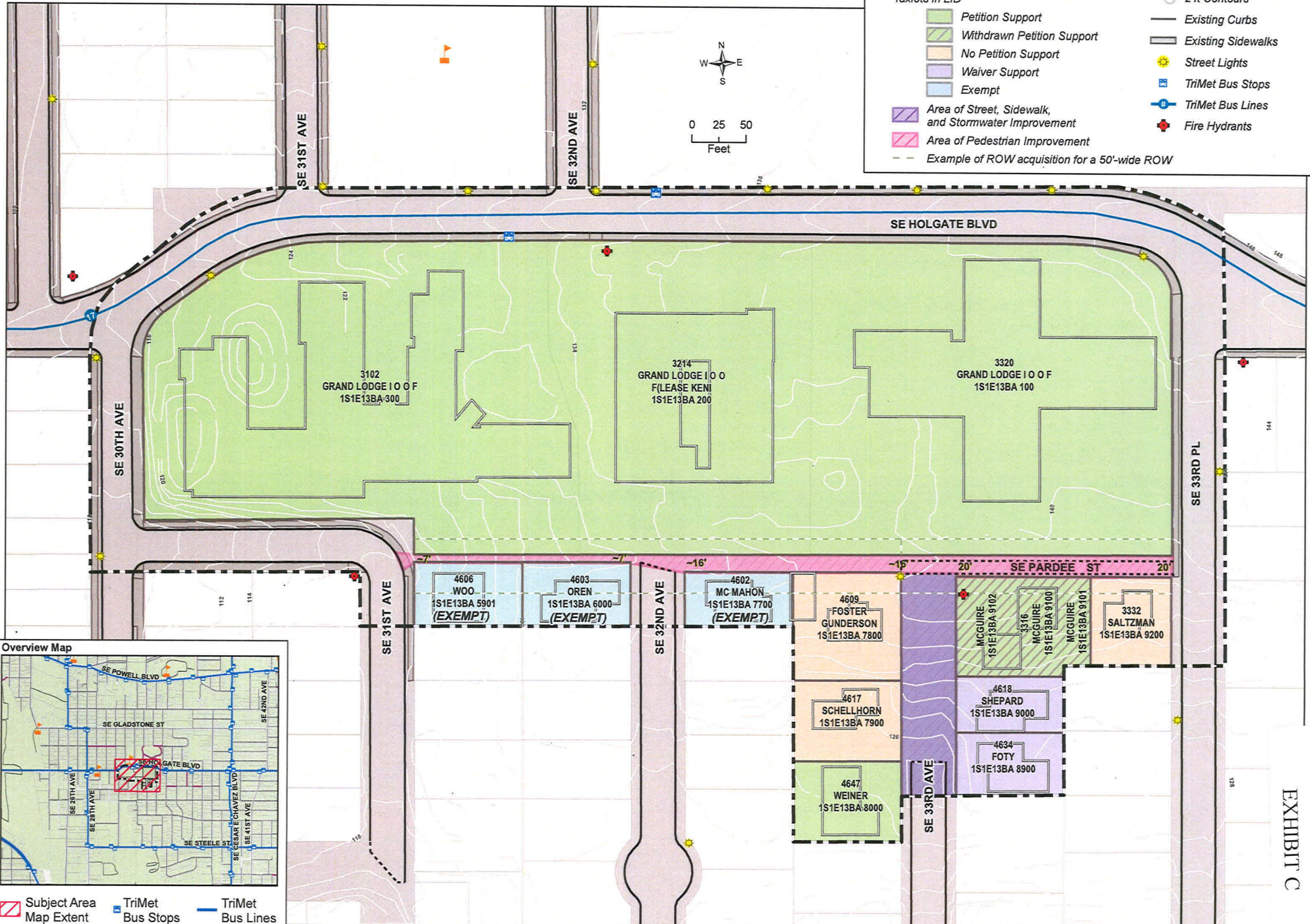
Area of Street, Sidewalk,  
and Stormwater Improvement

Area of Pedestrian Improvement

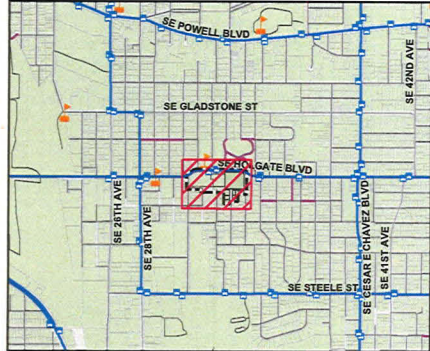
Example of ROW acquisition for a 50'-wide ROW

## Existing Conditions

- Building Footprints
- 2 ft Contours
- Existing Curbs
- Existing Sidewalks
- Street Lights
- TriMet Bus Stops
- TriMet Bus Lines
- Fire Hydrants



## Overview Map



- Subject Area
- Map Extent
- TriMet Bus Stops
- TriMet Bus Lines

**Moore-Love, Karla**

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**From:** Aebi, Andrew  
**Sent:** Thursday, November 10, 2011 10:37 AM  
**To:** Moore-Love, Karla  
**Cc:** Dillmann, Katja  
**Subject:** FW: SE 33rd Ave/ SE Pardee LID

Karla, this should be added in the record.

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**From:** sarah@aesthetics-usa.com [mailto:sarah@aesthetics-usa.com]  
**Sent:** Thursday, November 10, 2011 10:17 AM  
**To:** Aebi, Andrew; Adams, Sam; Griffin-Valade, LaVonne  
**Cc:** Commissioner Fritz; Commissioner Fish; Leonard, Randy; Commissioner Saltzman  
**Subject:** SE 33rd Ave/ SE Pardee LID

November 10, 2011

Cc: Commissioner Fritz; Commissioner Saltzman; Commissioner Fish; Commissioner Leonard;  
 City Auditor Griffon-Valade

Mayor Sam Adams and Andrew Aebi:

I just saw that the agenda for the next council meeting scheduled for November 16th indicates the SE Pardee/SE 33rd Ave LID will not be addressed as planned until December. Aside from the fact that we were not even informed of this change, this is absolutely unacceptable. You have spent the better part of a year pushing aside this project and you should be ashamed that you continue to put us all through this grief. You have been told many times that the property owners do not want this LID. Clearly you have little consideration for our financial or emotional well-being at this point. This most recent agenda item has been bumped twice from its October date. The proposal itself has dragged on since 2010, driven by the Bureau of Transportation rather than the property owners involved. I assume that since you officially learned that the project has lost basically all support from the homeowners, you are now stalling while you search for another angle.

By putting off the obvious decision to terminate this proposal (or any decision for that matter), you are interfering with our right to sell our property. Sam Adams made the baseless suggestion that our property will be assessed as benefiting from this project due to an assumed, though intangible, increase in our property value. Instead our house has been sitting empty and unsellable for months awaiting closure on this decision. As you should know, we had an accepted offer until the prospective buyers learned the details of the proposal from Andrew Aebi. Our only choice was to pull it from the market when it became clear that we would be

11/10/2011

unable to sell the house with this issue looming undecided. I look at the unemployment and foreclosure rates in Portland, and I can hardly fathom what your motives are in trying to force us to pay for such an inflated project. You've already made a decision to provide financing without asking any questions of our financial situation. Not even the most predatory of lenders would give us a loan for this without asking a lot of questions.

While our mayor and his Bureau of Transportation continue to lack even the smallest amount of transparency or efficiency in this matter, we all face very significant financial concerns. This inflated \$850,000 project, which includes the \$37,000 you propose to charge my property for 75 feet of road, replacing a perfectly fine sidewalk two blocks away, and my neighbor's sewer line-which the City has not allowed them to fix though they've tried. It seems easy enough for you to propose ways to spend my money while you praise yourself for paving streets. The idea of calling a road a "multi-use path" would be laughable if every month we weren't paying one more mortgage than we can afford as we wait for you to take the time to include this item on your agenda. Does Mayor Adam's assumed "benefit" of our property include us losing \$1,000 a month in mortgage payments for an unoccupied house we are unable to sell as a result of city council's lack of decision-making? We ask once again that this project be terminated as it is not owner-driven, which is purported to be a fundamental idea behind the LID program in the first place. Every week this LID is undecided, my neighbors are unable to remodel their homes or even repair a leaking sewer line. Rather than a program tailored to the property owners who are actually meant to pay the bill, it is clear that we actually have little or no voice in the current LID program and it is a program in need of significant reform.

Sarah Schellhorn & Ken Dyber

4617 SE 33<sup>rd</sup> Ave

Portland, OR 97202

FW TO Council,  
A. Aebi 11/4/11

November 4, 2011

Andrew Aebi  
Local Improvement District Administrator  
City of Portland  
1221 SW 4th Avenue, Room 110  
Portland, OR 97204

AUDITOR 11/04/11 AM 11:56

**HAND DELIVERED TO CITY AUDITOR**

Dear Mr. Aebi:

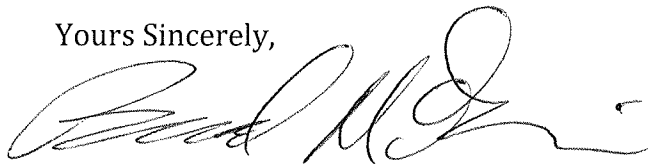
This letter will confirm our conversation of November 2, 2011, in which I indicated to you that I am withdrawing support for the proposed LID at SE 33<sup>rd</sup> and Pardee. My previous support for the project was based on dissembled information and misleading information from various City employees. In fact, when you first approached me and came into my home with Matt. Hickey from BES, you informed me that our property at 3316 SE Pardee was basically unbuildable because we had a "nonconforming" sewer and that we would never be allowed to build with this nonconforming sewer. Mr. Hickey, at that same meeting, confirmed what you were telling us, that the sewer was indeed nonconforming. As I now know through my own investigation, you were incorrect.

In fact, a public line serves 3316 SE Pardee. In 1974, through Ordinance Number 138710, the City of Portland ordained that they would authorize a public easement that would serve lots 3, 4, and 5, or in other words, 3316 SE Pardee. I have confirmed this with members of BES staff at the Bureau of Development Services.

I continually asked you to remove the sewer portion from this LID. You refused and kept saying that you have baked in the price of the sewer into the LID. Now we all know that my property, at least, does not require a new sewer system to be installed.

The financial hardships that this LID would create far outweigh any perceived benefits that you believe inure to our neighborhood. I believe that I am standing in solidarity with my neighbors in opposing this LID. I have to question the motives of some of the people who would mislead a property owner in order to gain support for an LID. This had been a bad process and needs to be reformed.

Yours Sincerely,



Bernard McGuire



**SE 33<sup>RD</sup> AVE & PARDEE ST LOCAL IMPROVEMENT DISTRICT**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Ken Dybo + Sarah Schellhorn	4617 SE 33 <sup>rd</sup> Ave 97202	Kjd@aesthetics-usa.com
✓ David Foster	4609 SE 33 <sup>rd</sup> Ave 97202	Luckydrift2003@yahoo.com
✓ Brenda Gunderson	4609 SE 33 <sup>rd</sup> Ave 97202	newstripes@comcast.net
✓ Leah Lockwood	3316 SE Pardee 97202	leahklockwood@gmail.com



## **Aebi, Andrew**

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**From:** Aebi, Andrew  
**Sent:** Monday, March 03, 2008 8:07 AM  
**To:** 'newstripes@comcast.net'  
**Subject:** RE: Road Improvement of Unimproved Roads - SE 33rd Avenue and SE Pardee Street

Ms. Gunderson and Mr. Foster,

Thank you for your e-mail. Both SE Pardee Street from 33rd Avenue to 33rd Place, as well as SE 33rd Avenue from approximately 195 feet of Pardee Street to Pardee Street are dirt and gravel streets that are not maintained by the City. They are eligible for grading and gravelling without a permit under our Expanded Maintenance Options program, but not a paving overlay, which could cause drainage problems. Both streets also could be improved to City standards via a local improvement district (LID) after which time the City would maintain these streets.

One problem with improving SE Pardee Street is that the right-of-way width is only 20 feet wide; we typically need a minimum of 50 feet of right-of-way to build the street with sidewalks and drainage. SE 33rd Avenue has a 50-foot wide right-of-way and therefore would not require right-of-way acquisition to improve. Right-of-way acquisition costs are included in the costs of LIDs.

Information on LIDs and Expanded Maintenance Options are provided at the links below.

LIDs: <http://www.portlandonline.com/transportation/index.cfm?c=35715>

Expanded Maintenance Options: <http://www.portlandonline.com/transportation/index.cfm?c=35715&a=146099>

Please feel welcome to contact me if you have additional questions or would like me to schedule an informal neighborhood meeting.

Regards,

*Andrew Aebi, Local Improvement District Administrator, City of Portland  
(503) 823-5648 fax (503) 823-7371 [andrew.aebi@pdxtrans.org](mailto:andrew.aebi@pdxtrans.org)  
[www.portlandonline.com](http://www.portlandonline.com) - Services Menu - local improvement districts*

-----Original Message-----

From: newstripes@comcast.net [<mailto:newstripes@comcast.net>]  
Sent: Sunday, March 02, 2008 11:47 AM  
To: [andrew.aebi@pdxtrans.org](mailto:andrew.aebi@pdxtrans.org)  
Subject: Road Improvement of Unimproved Road

I was recently at the city and they told me to contact you about having our road paved. We live at 4609 SE 33rd Avenue, Portland, OR 97202; on the corner of 33rd Ave and Pardee at a dead end. We use Pardee to go out to 33rd St. and exit to Holgate but it is getting extremely difficult to navigate due to large, deep, potholes. The road is unpaved also on the last portion of 33rd Avenue in front of our house. Further, it is very overgrown both on Pardee and 33rd Avenue on the unpaved portions with brush and shrubbery.

We purchased the home in July of 2008 and would like to start the process for taking care of this. If you could instruct me how to proceed, it would be greatly appreciated.

Enjoy this beautiful weather.

Brenda Gunderson and David Foster



CITY OF  
**PORTLAND**  
BUREAU OF  
**TRANSPORTATION**



Sam  
Adams  
Mayor

Tom  
Miller  
Director

July 19, 2011

**TO:** City Council Members

**FROM:** Andrew Aebi, Local Improvement District Administrator

**SUBJECT:** Agenda Item #743 – July 20, 2011 – 10:10 AM Time Certain Agenda:  
Append Attachment to Exhibit A and Substitute Exhibits B & C

**Resolution Title:**

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

**Purpose of Amendments:**

The purpose of the amendment is to reflect late petition support received for this project; which was received after the resolution was filed. Petition support increases from 51.7% to 67.2%; waiver of remonstrance remains unchanged at 7.9%; and total support increases from 59.5% to 75.0%. Note totals due not add evenly due to rounding.

Therefore:

**Resolution**

No change.

**Exhibit A – Petition Support**

Append petition for 3316 SE Pardee Street, E/3316 SE Pardee Street and W/3316 SE Pardee Street properties signed June 27, 2011.

**Exhibit B – Petition Evaluation**

Exhibit B is replaced with Exhibit B attached to this memorandum.

**Exhibit C – Project Map**

Exhibit C is replaced with Exhibit C attached to this memorandum.

**Financial Impact Statement**

No change.

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185  
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • [www.portlandoregon.gov](http://www.portlandoregon.gov)

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Employer

To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Ave, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

# Petition for SE 33rd Avenue and Pardee Street Local Improvement District

## NOTICE TO PETITION SIGNERS:

If owner of a property is a corporation, the petition must be signed in the name of the Corporation by its president, secretary or manager.

If the name of the owner is signed by an agent or person holding power of attorney, the agent or Attorney-In-Fact must have authority to sign.

## TO THE CITY COUNCIL:

1. This petition is to create the SE 33rd Avenue and Pardee Street Local Improvement District.
2. This local improvement district will improve the following: SE 33rd Avenue from the south right-of-way line of SE Pardee Street to 331 feet north of the north right-of-way line of SE Schiller Street, and SE Pardee Street from 100 feet east of the east right-of-way line of SE 32nd Avenue to the west right-of-way line of SE 33rd Place; plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.
3. The general character and scope of the SE 33rd Avenue improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees in most locations.
4. The general character and scope of the SE Pardee Street improvement is to remove the existing dirt, gravel and/or hard surface; grade the path to its proper subgrade; construct a concrete multiuse path with an aggregate base; and add path lighting.
5. An abutting linear footage assessment methodology is proposed.

The undersigned, being the owner or contract purchaser of the described property set opposite my or its name, hereby petition the City Council to improve SE 33rd Avenue and SE Pardee Street in conformity with the charter, ordinances and regulations of the City of Portland.

## Petition Prepared By:

Andrew Aebi, Local Improvement District Administrator  
Portland Office of Transportation  
1120 SW Fifth Avenue, Suite 800  
Portland, OR 97204  
Telephone: (503) 823-5648  
E-Mail: andrew.aebi@portlandoregon.gov

Signature of Property Owner(s) or Contract Purchaser(s):

Please sign here... ->

...and date -

Please sign here... ->

...and date -

Deed Holder or Contract Purchaser:

State I.D. #:

Tax Acct. #:

Site Address/Property Location: Estimate:

## SHAYS, CORBIN EST OF % URBAN DEVELOPMENT

Total L.F.:	50	Assessable L.F.:	50	1S1E13BA 9100	R337300810	3316 SE PARDEE ST	\$24,967.68
Total L.F.:	25	Assessable L.F.:	25	1S1E13BA 9101	R337300800	E/3316 SE PARDEE ST	\$12,483.84
Total L.F.:	142	Assessable L.F.:	142	1S1E13BA 9102	R337300820	W/3316 SE PARDEE ST	\$70,908.21
Total L.F.:	217	Assessable L.F.:	217	Total Estimate:			\$108,359.73

**Aebi, Andrew**

---

**From:** Klock, William G [wklock@firstam.com]  
**Sent:** Tuesday, July 12, 2011 3:47 PM  
**To:** Aebi, Andrew  
**Subject:** SE 33 and Pardee-Estate of Shays to McGuire

Andrew, you had asked that I let you know when the above file was recorded. A deed was recorded this afternoon as fee number 2011-077735 with Multnomah County. Thanks Bill

\*\*\*\*\*

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

Thank you.~

\*\*\*\*\*

7/19/2011


**SE 33RD AVENUE AND PARDEE STREET LOCAL IMPROVEMENT DISTRICT**  
**SE 33rd Avenue and Pardee Street**  
**Apportionment Worksheet**  
**Prepared by the Local Improvement District Administrator on 7/19/11**

STATE ID	RNO	PROPERTYID	OWNER	SITEADDR	Total L.F.	Assessable L.F.	Percent of LID	Estimate Actual Cost	Estimate As Petitioned	RMV	Ratio	Lien #	Notes
<b>Properties for Which Petition Received</b>													
1S1E13BA 8000	R263100610	R159392	WEINER,HERBERT S	4647 SE 33RD AVE	75	25	1.8%	\$14,641.25	\$12,483.84	\$403,360	32.3		
1S1E13BA 100	R991131620	R328358	GRAND LODGE I O O F	3320 SE HOLGATE BLVD	336	336	24.0%	\$196,778.42	\$167,782.81	\$18,825,630	112.2		W
1S1E13BA 300	R991131570	R328354	GRAND LODGE I O O F	3102 SE HOLGATE BLVD	151	151	10.8%	\$88,433.15	\$75,402.39	\$16,438,480	218.0		W
1S1E13BA 200	R991131610	R328357	GRAND LODGE I O O F(LEASE KENI	3214 SE HOLGATE BLVD	212	212	15.1%	\$124,157.80	\$105,862.96	\$6,286,400	59.4		W
1S1E13BA 9100	R337300810	R172377	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	3316 SE PARDEE ST	50	50	3.6%	\$29,282.50	\$24,967.88	\$183,670	7.4		
1S1E13BA 9101	R337300800	R624318	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	E/3316 SE PARDEE ST	25	25	1.8%	\$14,641.25	\$12,483.84	\$83,000	6.6		
1S1E13BA 9102	R337300820	R624319	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	W/3316 SE PARDEE ST	142	142	10.1%	\$83,162.30	\$70,908.21	\$107,500	1.5		
<b>Waivered Properties for Which No Petition Received</b>													
1S1E13BA 8900	R337300660	R172371	FOTY,TERRELL V	4634 SE 33RD AVE	58	58	4.1%	\$33,967.70	\$28,962.51	\$322,270	11.1		W
1S1E13BA 9000	R337300840	R172378	SHEPARD,JON S	4618 SE 33RD AVE	52	52	3.7%	\$30,453.80	\$25,966.39	\$257,720	9.9		W
<b>Government Properties</b>													
None.													
<b>Nonwaivered Properties for Which No Petition Received</b>													
1S1E13BA 7800	R263100580	R159390	FOSTER,DAVID & GUNDERSON,BRENDA	4609 SE 33RD AVE	200	200	14.3%	\$117,130.00	\$99,870.72	\$540,440	5.4		
1S1E13BA 9200	R337300590	R172368	SALTZMAN,JEFFREY	3332 SE PARDEE ST	75	75	5.4%	\$43,923.75	\$37,451.52	\$222,170	5.9		
1S1E13BA 7900	R263100600	R159391	SHELLHORN,SARAH	4617 SE 33RD AVE	75	75	5.4%	\$43,923.75	\$37,451.52	\$247,250	6.6		
<b>TOTAL:</b>							<b>100.0%</b>	<b>\$820,495.67</b>	<b>\$699,594.39</b>	<b>\$43,917,890</b>	<b>62.8</b>		
7	67.2%		Properties for Which Petition Received		991	941	67.2%	\$551,096.67	\$469,891.73	\$42,328,040	90.1		
2	7.9%		Waivered Properties for Which No Petition Received		110	110	7.9%	\$64,421.50	\$54,928.90	\$579,990	10.6		
0	0.0%		Government Support		0	0	0.0%	\$0.00	\$0.00	\$0	n.m.		
9	75.0%		<b>Total Support</b>		<b>1,101</b>	<b>1,051</b>	<b>75.0%</b>	<b>\$615,518.17</b>	<b>\$524,820.63</b>	<b>\$42,908,030</b>	<b>81.8</b>		
3	25.0%		Nonwaivered Properties for Which No Petition Received		350	350	25.0%	\$204,977.50	\$174,773.76	\$1,009,860	5.8		
12	100.0%		<b>Total</b>		<b>1,451</b>	<b>1,401</b>	<b>100.0%</b>	<b>\$820,495.67</b>	<b>\$699,594.39</b>	<b>\$43,917,890</b>	<b>62.8</b>		
<b>Notes:</b>													
W - Owner of property has previously waived right to remonstrate against formation of a local improvement district.													
X - 100% of property is exempted from assessment. Abutting frontage improvements on SE Pardee Street will be required in the future upon redevelopment.													





## Subject Area

 Local Improvement District Boundary

### Taxlots in LID


Petition Support

☐ *No Petition Support*

 *Waiver Support*

**Exempt**

 *Area of Street, Sidewalk, and Stormwater Improvement*

 *Area of Pedestrian Improvement*

Example of ROW acquisition  
for a 50'-wide ROW

### Existing Conditions

 **Building Footprints** 2 ft Contours

— Existing Curbs

 Existing Sidewalks

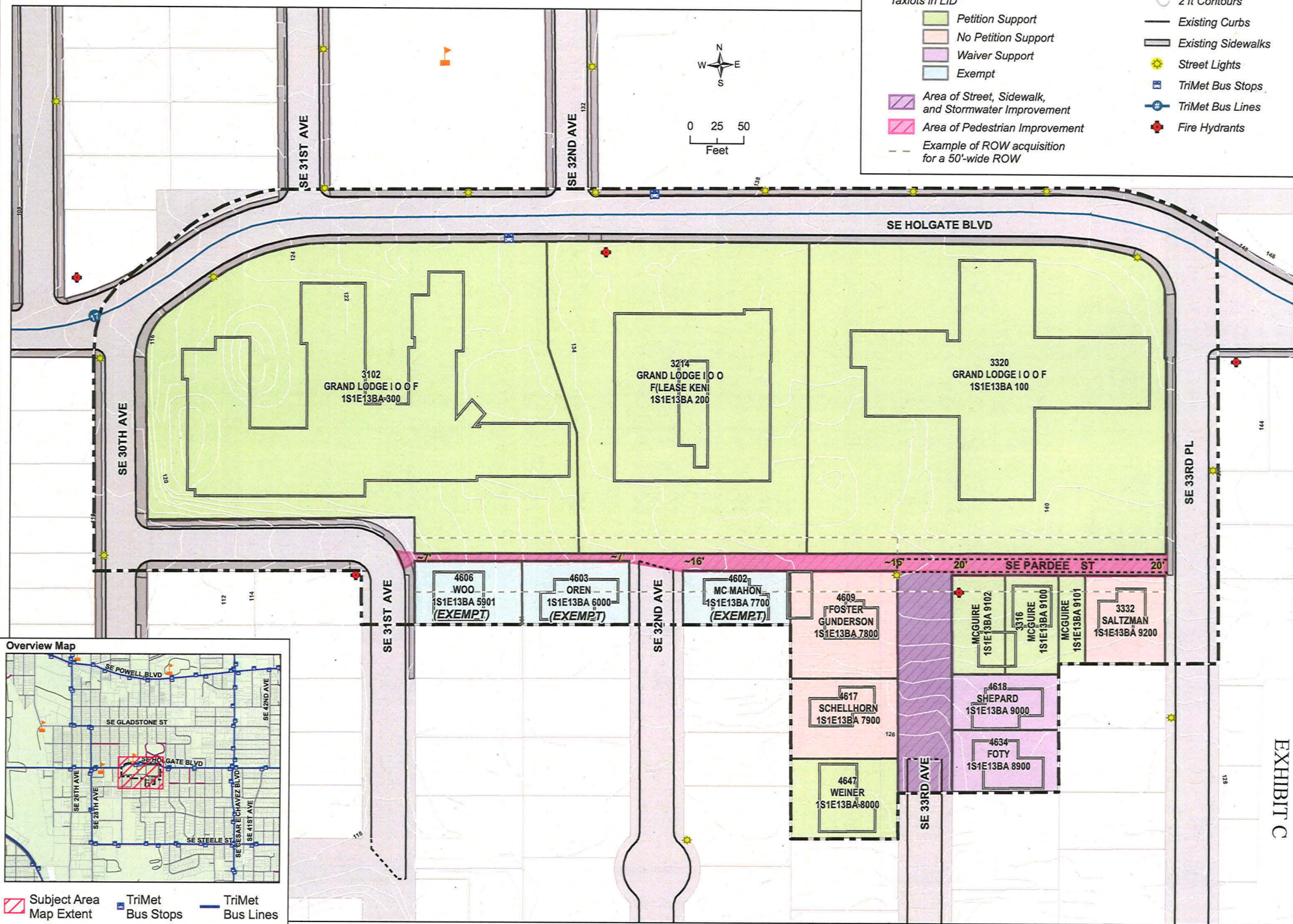
 **Street Lights** **TriMet Bus Stops** TriMet Bus Lines **Fire Hydrants**

EXHIBIT C

SE 33rd Avenue & Pardee Street Local Improvement District

Resolution of Intent Hearing

***SE 33RD AVENUE &  
PARDEE STREET  
Local Improvement District  
Resolution of Intent Hearing***

***Bureau of Transportation***

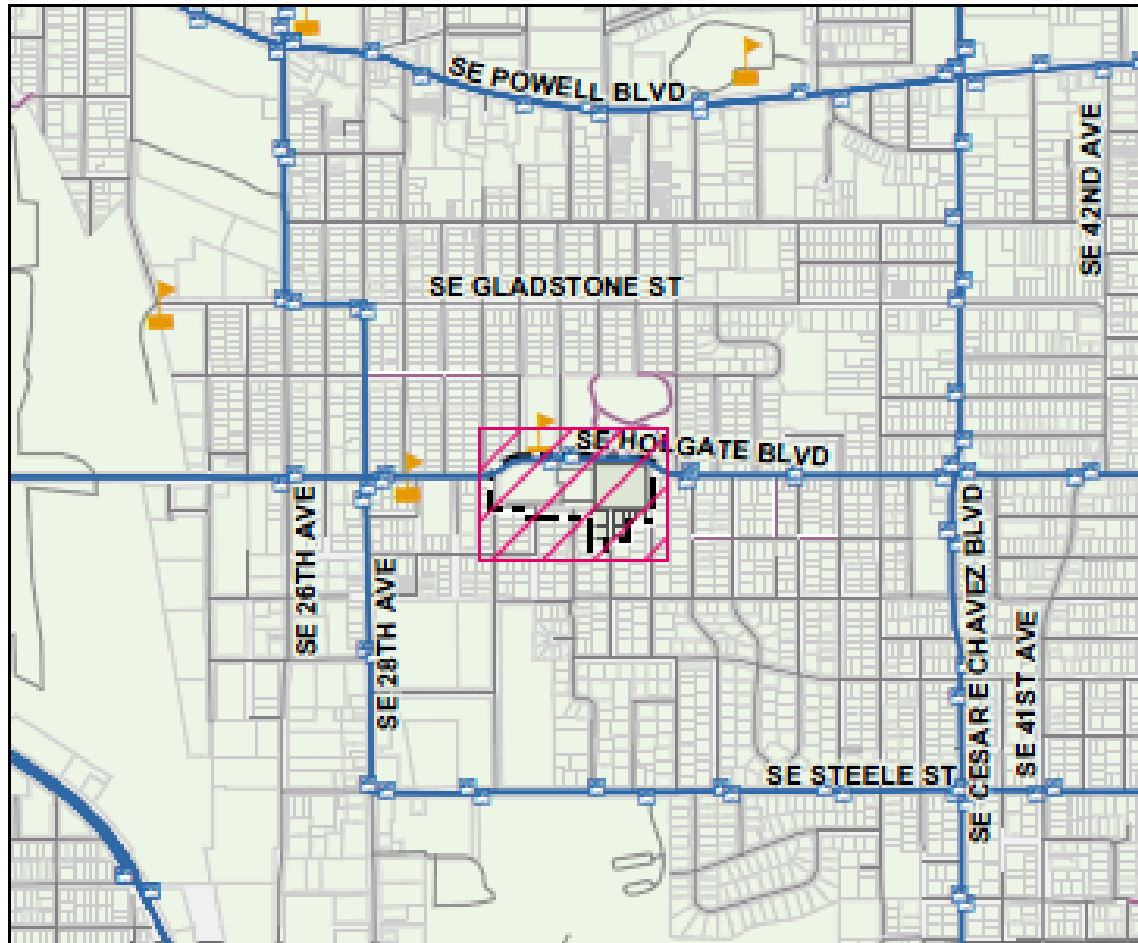
***July 20, 2011***



SE 33rd Avenue & Pardee Street Local Improvement District  
Resolution of Intent Hearing

***Project is in the Reed Neighborhood***

Overview Map

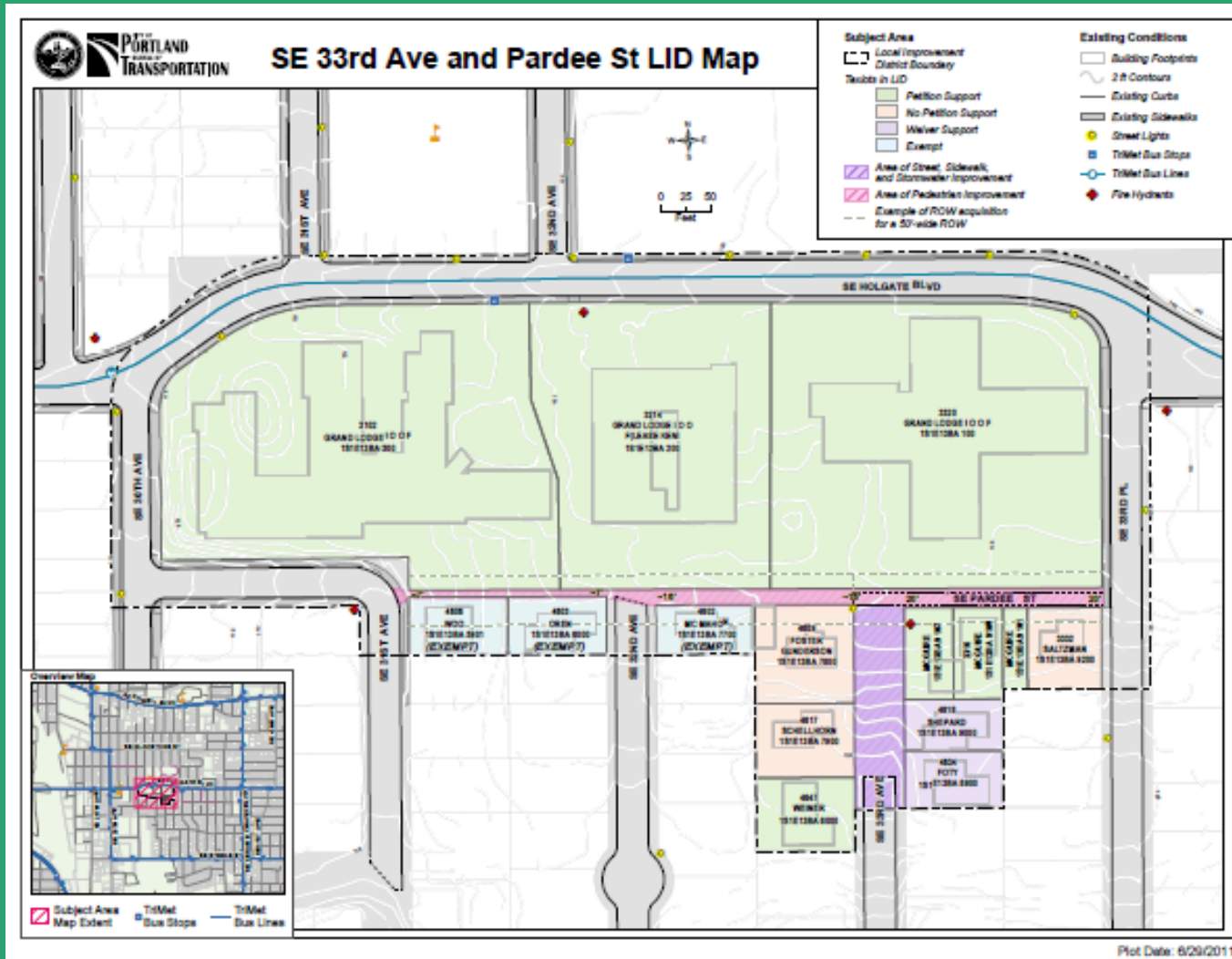




# SE 33rd Avenue & Pardee Street Local Improvement District

## Resolution of Intent Hearing

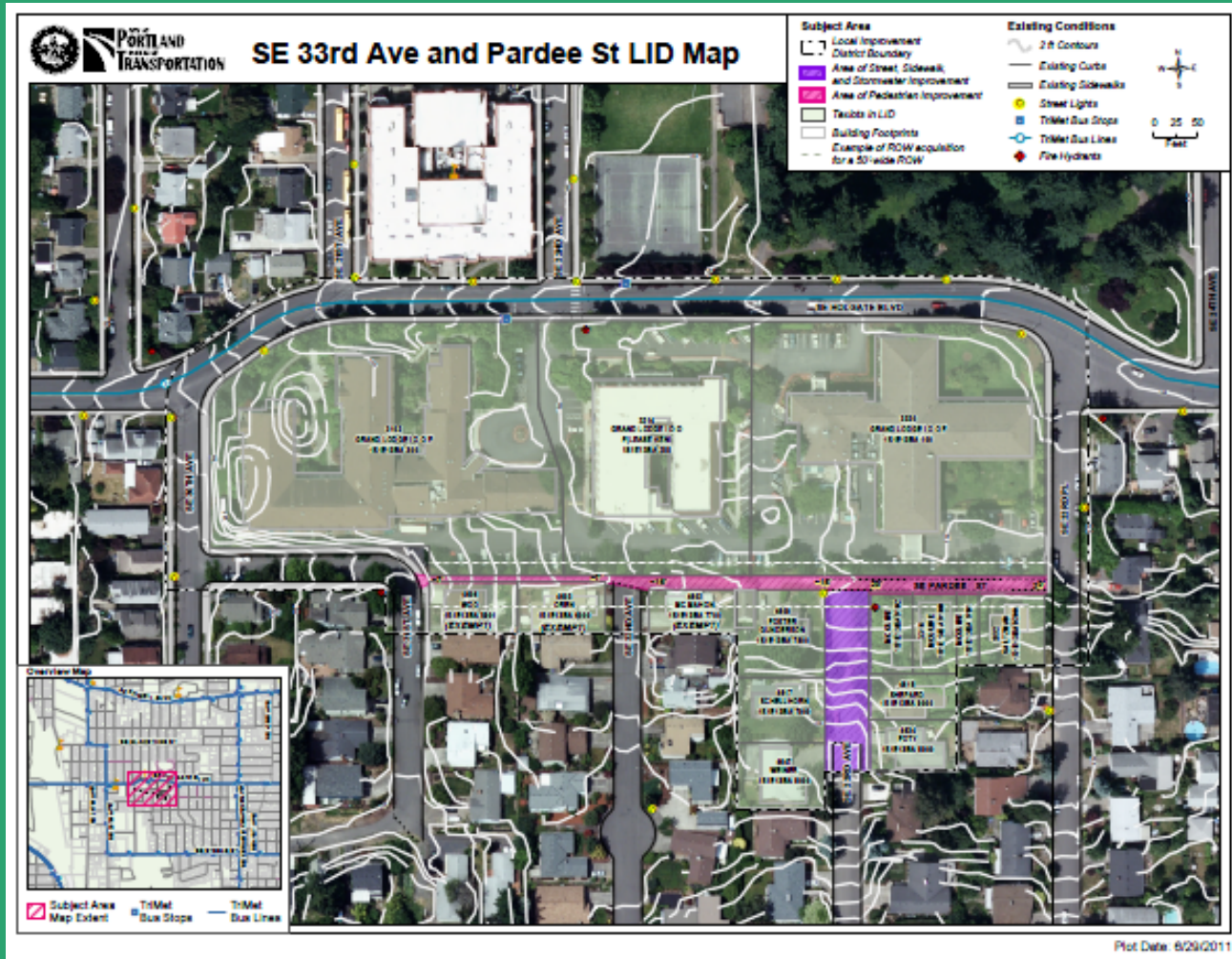
### Project Map & Petition Support



# SE 33rd Avenue & Pardee Street Local Improvement District

## Resolution of Intent Hearing

### ***Aerial Overview of Project***





## ***LID Overview***

### ***Cost Comparison & Estimated Assessments***

- ***\$1,726 per centerline foot for 32'-street in 2009  
(excluding right-of-way acquisition costs)***
- ***\$777 per centerline linear foot as proposed; no new ROW***
- ***Average commercial assessment \$116,349 per property***
- ***Average residential assessment \$38,950 per property***

### ***Project Support***

- ***67.2% petition support (increased from 51.7% at filing)  
(7 of 12 properties; 4 of 5 largest by share)***
- ***7.9% waiver of remonstrance support***
- ***75.0% total support (increased from 59.5% at filing)***

### ***No Support***

- ***19.6% – prior interest***
- ***5.4% - no prior interest***

# SE 33rd Avenue & Pardee Street Local Improvement District

## Resolution of Intent Hearing

### ***Existing Conditions***

***SE Pardee Street: 1/15/11 (Left); 2/28/11 (Right)***  
***SE 33rd Avenue 2/27/11 (Center)***



SE 33rd Avenue & Pardee Street Local Improvement District

Resolution of Intent Hearing

***Existing Conditions***

***SE 171st Avenue on 3/04/11:***

***Leaving an Improvement Gap Not Recommended***



## ***Holgate Center Properties***

***3320 SE Holgate – Friendship Health Center***

***3214 SE Holgate – Kenilworth Park Plaza***

***3102 SE Holgate – Odd Fellows Retirement Center***

### ***Issues & Considerations***

- ***SE Pardee, 33rd maintenance responsibility 699 feet***
- ***Pedestrian/bicycle path unimproved with no lighting***
- ***Area dark, used for “hang-out/party zone, bathroom”***
- ***15’ right-of-way acquisition needed for 50’ ROW***
- ***No current vehicle access; future access unlikely***
- ***No current pedestrian access***

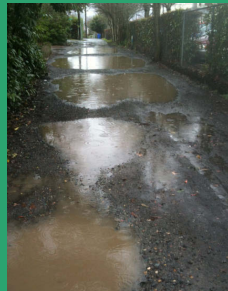




## ***Residential Property – Corner Lot 3316 SE Pardee Street***

### ***Issues & Considerations***

- ***SE Pardee, 33rd maintenance responsibility 217 feet***
- ***Pedestrian/bicycle path unimproved with no lighting***
- ***Area dark, used for “hang-out/party zone, bathroom”***
- ***15’ right-of-way acquisition needed for 50’ ROW***
- ***Current and future vehicle access***
- ***Current and future pedestrian access***
- ***Development potential (11,277 s.f. in R5 zone)***



## ***Residential Property – Corner Lot 4609 SE 33rd Avenue***

### ***Issues & Considerations***

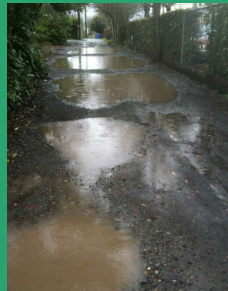
- ***SE Pardee, 33rd maintenance responsibility 217 feet***
- ***Pedestrian/bicycle path unimproved with no lighting***
- ***Area dark, used for “hang-out/party zone, bathroom”***
- ***15’ right-of-way acquisition needed for 50’ ROW***
- ***Current and future vehicle access***
- ***Current and future pedestrian access***
- ***Development potential (10,000 s.f. in R5 zone)***
- ***Leaking nonconforming private sewer in SE 33rd Ave.***
- ***LID extends public sewer; avoids emergency extension***
- ***More cost-effective to build street and sewer together***



## ***Residential Property – Corner Lot 3332 SE Pardee Street***

### ***Issues & Considerations***

- ***SE Pardee maintenance responsibility 75 feet***
- ***Pedestrian/bicycle path unimproved with no lighting***
- ***15' right-of-way acquisition needed for 50' ROW***
- ***Current and future vehicle access***
- ***Current and future pedestrian access***
- ***Redevelopment potential as corner lot (6,166 in R5<sub>zone</sub>)***
- ***Land slopes downhill from SE Pardee to house***



## ***Residential Properties SE 33rd Avenue***

### ***Issues & Considerations***

- ***4617 SE 33rd maintenance responsibility 75 feet***
- ***4634 SE 33rd maintenance responsibility 58 feet***
- ***4618 SE 33rd maintenance responsibility 52 feet***
- ***Adjacent to low spot of elevation for drainage***
- ***Poor wheelchair access on unimproved street***





## ***Project Timeline & Outreach Process***

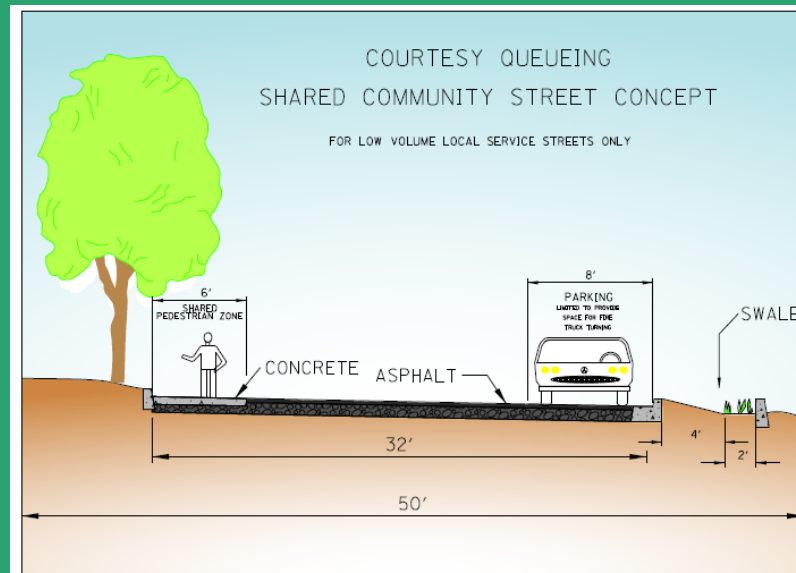
### ***Project Chronology***

- ***3/02/08: First complaint received***
- ***10/21/10: First property owner meeting held***
- ***4/15/11: Petitions mailed***
- ***4/26/11: Second property owner meeting held***
- ***5/04/11: Valid petition received***
- ***7/20/11: Today's hearing on resolution***
- ***8/17/11: LID formation hearing (if resolution approved)***
- ***8/24/11: Actual formation of LID***
- ***Summer 2013: construction***
- ***Spring 2014: final assessment with financing options***

## ***Community Street Concept – SE 33rd Avenue***

### ***Objectives of Pilot Project Scope***

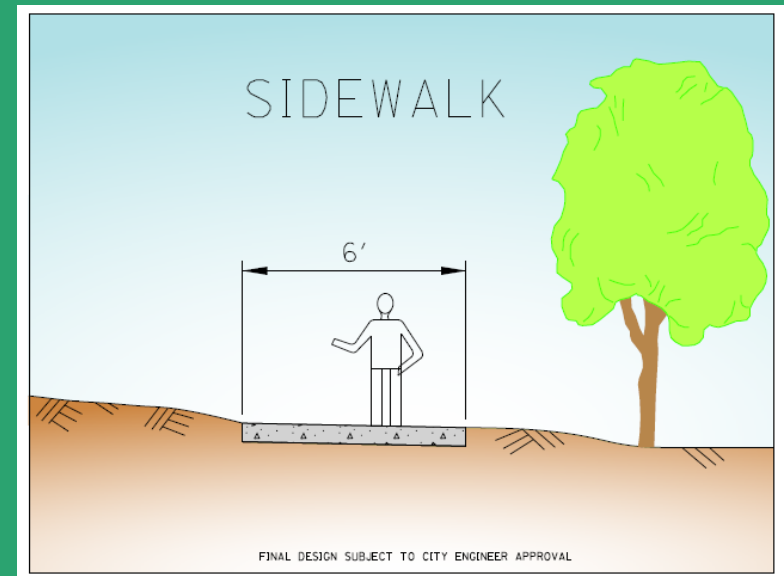
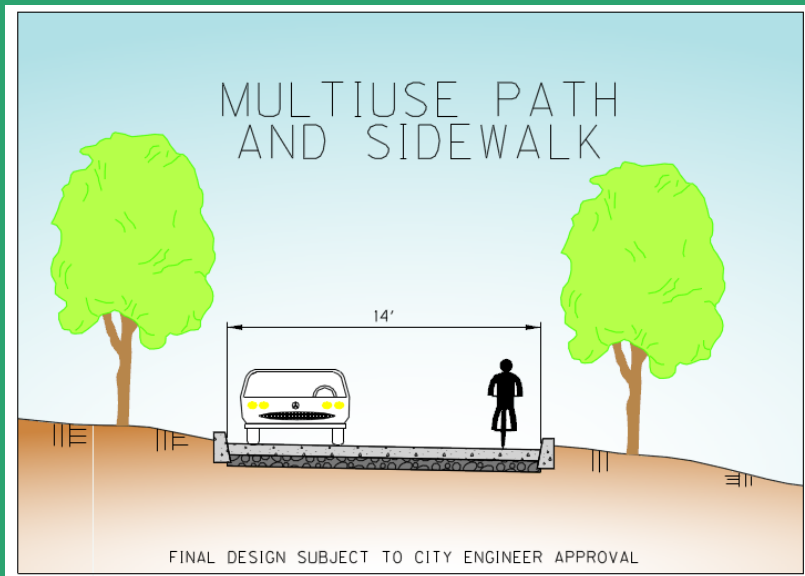
- ***Avoid right-of-way acquisition***
- ***Preserve off-street parking***
- ***Avoid adverse impacts to properties***
- ***Make residential rights-of-way livable by de-emphasizing automobile traffic***



## ***Community Street Concept – SE Pardee Street***

### ***Objectives of Pilot Project Scope***

- ***Avoid right-of-way acquisition***
- ***Preserve off-street parking***
- ***Avoid adverse impacts to properties***
- ***Make residential rights-of-way livable by de-emphasizing automobile traffic***
- ***Connects to SE Pardee Street multiuse path***



Portland, Oregon

## FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Andrew Aebi	2. Telephone No. 503-823-5648	3. Bureau/Office/Dept. PBOT/Development & Capital Program
4a. To be filed (hearing date): 7/20/11 Regular Agenda (10:10 AM Time Certain)	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: 7/20/11
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed

**1) Legislation Title:**

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

**2) Purpose of the Proposed Legislation:**

Authorizes initiation of local improvement district formation proceedings and schedules an LID Formation Hearing on or after August 17, 2011.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |   |   |                                    |                                |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast            | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast  | <input checked="" type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City       |   |                                    |                                |

### FINANCIAL IMPACT

**Revenue and/or Expense:**

Is ALL the Revenue and/or Expense a part of the current year's budget? or 5-yr CIP? No.

SAP COST OBJECT No(s).: TBD by Truc or T00033.V42.

All Revenue and Expense financial questions must be completed regardless of the current year's budget. Documents may be returned where the FIS portion has not been sufficiently completed.

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This legislation will increase revenue in the estimated amount of \$699,594.39.

**5) Expense:** What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

This legislation will increase expenses in the estimated amount of \$820,495.63. PBOT will contribute overhead costs in the estimated amount of \$120,901.24. Approval of this Resolution and the subsequent Ordinance by Council will avoid the costs of updating the scope and estimate and repeting this LID again in the future.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*  
No.
- **Will positions be created or eliminated in *future years* as a result of this legislation?**  
No.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

Version updated as of May 19, 2011

## **PUBLIC INVOLVEMENT**

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ YES: Please proceed to Question #9.

☐ NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

- The proposed improvements are within the policies outlined in the Transportation System Plan and also help meet goals of the Climate Action Plan through multimodal improvements; this effort complies with all current City policies.
- The project supports numerous transportation policies that generally support walking and bicycle access to schools; Grout Elementary School and Tucker-Maxon Oral School serving children with typical hearing as well as those with hearing loss are both located within several blocks of the proposed project.
- This project advances access to transit and reduces travel time for pedestrians, bicyclists and transit users; bus line #17-Holgate is within several blocks of the proposed project.
- The goal of this project is to focus on community and safety enhancements. This project will increase safety along a pedestrian and bicycle route; the SE Pardee Street right-of-way from 31st Avenue to 100' east of 32nd Avenue is used exclusively by pedestrians and bicyclists.
- Motor vehicle traffic will experience longer, out-of-direction travel due to SE Pardee Street no longer connecting to SE 33rd Place except for emergency vehicles; however, the extremely poor condition of the street discourages the use of SE Pardee Street for all but the heaviest vehicles with high above-ground clearances.
- The LID Administrator has performed an extensive public process for this project including two property owner meetings and individual, on-site meetings with property owners. Although not all property owners have tendered petition support for the project, nearly all property owners have acknowledged the need for the project.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

- All property owners have been invited to participate in group and individual one-on-one meetings.
- The Reed Neighborhood Association has been notified of this project.

c) How did public involvement shape the outcome of this Council item?

- Majority petition support was tendered by property owners in favor of this project.
- The proposed innovative scope reduced impacts to property and expense to property owners.
- The need for right-of-way acquisition was eliminated as requested by property owners.
- PBOT's vision is to provide individuals with a "broad range of safe and convenient transportation options by which to frequently walk, bicycle, carpool, or ride public transit." If constructed, these improvements would increase bicycle and pedestrian facilities, and improve bicycle and pedestrian safety.



d) Who designed and implemented the public involvement related to this Council item?

- Andrew Aebi, LID Administrator

e) Primary contact for more information on this public involvement process (name, title, phone, email):

- Andrew Aebi, LID Administrator, 503-823-5648; andrew.aebi@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

- If Council approves this resolution, all property owners will be invited to the LID Formation Hearing.
- If Council approves the subsequent LID Formation Ordinance, all property owners will be invited to at least one meeting during the design phase to review the planned scope of improvements in detail.

KK 7-7-11

*Gary Jones for TM*

APPROPRIATION UNIT HEAD TOM MILLER, Director, Bureau of Transportation

Version updated as of May 19, 2011

# Petition for SE 33rd Avenue and Pardee Street Local Improvement District

## NOTICE TO PETITION SIGNERS:

If owner of a property is a corporation, the petition must be signed in the name of the Corporation by its president, secretary or manager.  
If the name of the owner is signed by an agent or person holding power of attorney, the agent or Attorney-In-Fact must have authority to sign.

**RECEIVED**  
MAY 04 2011

## TO THE CITY COUNCIL:

**TRANSPORTATION**

1. This petition is to create the SE 33rd Avenue and Pardee Street Local Improvement District.
2. This local improvement district will improve the following: SE 33rd Avenue from the south right-of-way line of SE Pardee Street to 331 feet north of the north right-of-way line of SE Schiller Street, and SE Pardee Street from 100 feet east of the east right-of-way line of SE 32nd Avenue to the west right-of-way line of SE 33rd Place; plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.
3. The general character and scope of the SE 33rd Avenue improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees in most locations.
4. The general character and scope of the SE Pardee Street improvement is to remove the existing dirt, gravel and/or hard surface; grade the path to its proper subgrade; construct a concrete multiuse path with an aggregate base; and add path lighting.
5. An abutting linear footage assessment methodology is proposed.

*The undersigned, being the owner or contract purchaser of the described property set opposite my or its name, hereby petition the City Council to improve SE 33rd Avenue and SE Pardee Street in conformity with the charter, ordinances and regulations of the City of Portland.*

## Petition Prepared By:

Andrew Aebi, Local Improvement District Administrator  
Portland Office of Transportation  
1120 SW Fifth Avenue, Suite 800  
Portland, OR 97204  
Telephone: (503) 823-5648  
E-Mail: [andrew.aebi@portlandoregon.gov](mailto:andrew.aebi@portlandoregon.gov)

## Signature of Property Owner(s) or Contract Purchaser(s):

Please sign here... ->

...and date -

Please sign here... ->

...and date -

*Herb Aebi*  
04/30/2011

## Deed Holder or Contract Purchaser:

State I.D. #:

Tax Acct. #:

Site Address/Property Location: Estimate:

**WEINER, HERBERT S**

Total L.F.:	75	Assessable L.F.:	25	1S1E13BA 8000	R263100610	4647 SE 33RD AVE	\$12,483.84
Total L.F.:	75	Assessable L.F.:	25	Total Estimate:			\$12,483.84

EXHIBIT A

## Petition for SE 33rd Avenue and Pardee Street Local Improvement District

### NOTICE TO PETITION SIGNERS:

If owner of a property is a corporation, the petition must be signed in the name of the Corporation by its president, secretary or manager.

If the name of the owner is signed by an agent or person holding power of attorney, the agent or Attorney-In-Fact must have authority to sign.

### TO THE CITY COUNCIL:

1. This petition is to create the SE 33rd Avenue and Pardee Street Local Improvement District.
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The undersigned, being the owner or contract purchaser of the described property set opposite my or its name, hereby petition the City Council to improve SE 33rd Avenue and SE Pardee Street in conformity with the charter, ordinances and regulations of the City of Portland.

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E-Mail: andrew.aebi@portlandoregon.gov

### Signature of Property Owner(s) or Contract Purchaser(s):

Please sign here... ->

...and date -

Please sign here... ->

...and date -

Deed Holder or Contract Purchaser:

State I.D. #:

Tax Acct. #:

Site Address/Property Location: Estimate:

GRAND LODGE I O O F

Total L.F.:	336	Assessable L.F.:	336	1S1E13BA 100	R991131620	3320 SE HOLGATE BLVD	\$167,782.81
Total L.F.:	151	Assessable L.F.:	151	1S1E13BA 300	R991131570	3102 SE HOLGATE BLVD	\$75,402.39
Total L.F.:	487	Assessable L.F.:	487			Total Estimate:	\$243,185.20



## Petition for SE 33rd Avenue and Pardee Street Local Improvement District

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### TO THE CITY COUNCIL:

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3. The general character and scope of the SE 33rd Avenue improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees in most locations.
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The undersigned, being the owner or contract purchaser of the described property set opposite my or its name, hereby petition the City Council to improve SE 33rd Avenue and SE Pardee Street in conformity with the charter, ordinances and regulations of the City of Portland.

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Andrew Aebi, Local Improvement District Administrator  
Portland Office of Transportation  
1120 SW Fifth Avenue, Suite 800  
Portland, OR 97204  
Telephone: (503) 823-5648  
E-Mail: andrew.aebi@portlandoregon.gov

### Signature of Property Owner(s) or Contract Purchaser(s):

Please sign here... ->

...and date -

Please sign here... ->

...and date -

### Deed Holder or Contract Purchaser:

State I.D. #:

Tax Acct. #:

Site Address/Property Location: Estimate:

GRAND LODGE I O O F(LEASE KENI

Total L.F.:	212	Assessable L.F.:	212	1S1E13BA 200	R991131610	3214 SE HOLGATE BLVD	\$105,862.96
Total L.F.:	212	Assessable L.F.:	212	Total Estimate:			\$105,862.96

**SE 33RD AVENUE AND PARDEE STREET LOCAL IMPROVEMENT DISTRICT**  
**SE 33rd Avenue and Pardee Street**  
**Apportionment Worksheet**  
**Prepared by the Local Improvement District Administrator on 6/14/11**

STATE_ID	RNO	PROPERTYID	OWNER	SITEADDR	Total L.F.	Assessable L.F.	Percent of LID	Estimate Actual Cost	Estimate As Petitioned	RMV	Ratio	Lien #	Notes
Properties for Which Petition Received													
1S1E13BA 8000	R263100610	R159392	WEINER,HERBERT S	4647 SE 33RD AVE	75	25	1.8%	\$14,641.25	\$12,483.84	\$403,360	32.3		
1S1E13BA 100	R991131620	R328358	GRAND LODGE I O O F	3320 SE HOLGATE BLVD	336	336	24.0%	\$196,778.42	\$167,782.81	\$18,825,630	112.2		W
1S1E13BA 300	R991131570	R328354	GRAND LODGE I O O F	3102 SE HOLGATE BLVD	151	151	10.8%	\$88,433.15	\$75,402.39	\$16,438,480	218.0		W
1S1E13BA 200	R991131610	R328357	GRAND LODGE I O O F(LEASE KENI	3214 SE HOLGATE BLVD	212	212	15.1%	\$124,157.80	\$105,862.96	\$6,286,400	59.4		W
Waivered Properties for Which No Petition Received													
1S1E13BA 8900	R337300660	R172371	FOTY,TERRELL V	4634 SE 33RD AVE	58	58	4.1%	\$33,967.70	\$28,962.51	\$322,270	11.1		W
1S1E13BA 9000	R337300840	R172378	SHEPARD,JON S	4618 SE 33RD AVE	52	52	3.7%	\$30,453.80	\$25,966.39	\$257,720	9.9		W
Government Properties													
None.													
Nonwaivered Properties for Which No Petition Received													
1S1E13BA 7800	R263100580	R159390	FOSTER,DAVID & GUNDERSON,BRENDA	4609 SE 33RD AVE	200	200	14.3%	\$117,130.00	\$99,870.72	\$540,440	5.4		
1S1E13BA 9200	R337300590	R172368	SALTZMAN,JEFFREY	3332 SE PARDEE ST	75	75	5.4%	\$43,923.75	\$37,451.52	\$222,170	5.9		
1S1E13BA 7900	R263100600	R159391	SHELLHORN,SARAH	4617 SE 33RD AVE	75	75	5.4%	\$43,923.75	\$37,451.52	\$247,250	6.6		
1S1E13BA 9100	R337300810	R172377	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	3316 SE PARDEE ST	50	50	3.6%	\$29,282.50	\$24,967.68	\$183,670	7.4		
1S1E13BA 9101	R337300800	R624318	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	E/3316 SE PARDEE ST	25	25	1.8%	\$14,641.25	\$12,483.84	\$83,000	6.6		
1S1E13BA 9102	R337300820	R624319	SHAYS,CORBIN EST OF % URBAN DEVELOPMENT	W/3316 SE PARDEE ST	142	142	10.1%	\$83,162.30	\$70,908.21	\$107,500	1.5		
TOTAL:							100.0%	\$820,495.67	\$699,594.39	\$43,917,890	62.8		
4	51.7%	Properties for Which Petition Received			774	724	51.7%	\$424,010.62	\$361,532.00	\$41,953,870	116.0		
2	7.9%	Waivered Properties for Which No Petition Received			110	110	7.9%	\$64,421.50	\$54,928.90	\$579,990	10.6		
0	0.0%	Government Support			0	0	0.0%	\$0.00	\$0.00	\$0	n.m.		
6	59.5%	Total Support			884	834	59.5%	\$488,432.12	\$416,460.90	\$42,533,860	102.1		
6	40.5%	Nonwaivered Properties for Which No Petition Received			567	567	40.5%	\$332,063.55	\$283,133.49	\$1,384,030	4.9		
12	100.0%	Total			1,451	1,401	100.0%	\$820,495.67	\$699,594.39	\$43,917,890	62.8		
Notes:													
W - Owner of property has previously waived right to remonstrate against formation of a local improvement district.													
X - 100% of property is exempted from assessment. Abutting frontage improvements on SE Pardee Street will be required in the future upon redevelopment.													





# SE 33rd Ave and Pardee St LID Map

## Subject Area

Local Improvement  
District Boundary

Taxlots in LID

Petition Support

No Petition Support

Waiver Support

Exempt

Area of Street, Sidewalk,  
and Stormwater Improvement

Area of Pedestrian Improvement

Example of ROW acquisition  
for a 50'-wide ROW

## Existing Conditions

Building Footprints

2 ft Contours

Existing Curbs

Existing Sidewalks

Street Lights

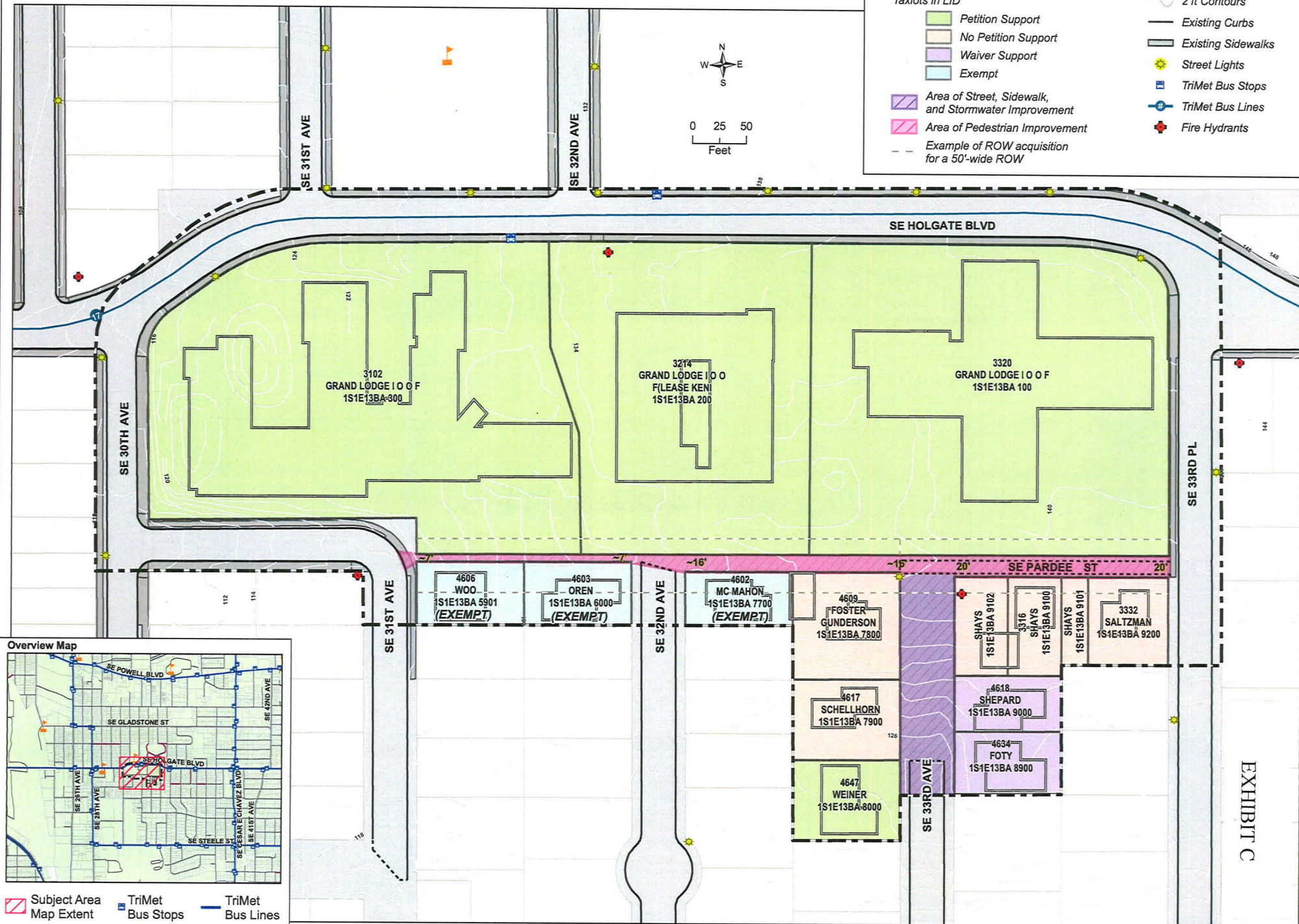
TriMet Bus Stops

TriMet Bus Lines

Fire Hydrants



0 25 50  
Feet



Subject Area  
Map Extent

TriMet  
Bus Stops

TriMet  
Bus Lines

EXHIBIT C





Sam  
Adams  
Mayor

Tom  
Miller  
Director

July 14, 2011

## MEMORANDUM TO COUNCIL

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

### I. SUMMARY

Two letters were received from Ken Dyber and Sarah Dyber (formerly Sarah Schellhorn), owners of the property with State ID #1S1E13BA 7900; Tax Account #R263100600; Property ID #R159391 at 4617 SE 33rd Avenue; legal description EXCELSIOR, BLOCK 5, LOT 3, N 1/2 OF LOT 4 (see Attachments 1A and 1B). The first letter was received on June 8, 2011 and the second letter was received on July 12, 2011. There is currently no future lien number for this property because Council has not yet adopted a resolution initiating LID formation proceedings as of the date of this memorandum.

A letter was received on July 6, 2011 via from Jon Shepard, owner of the property with State ID #1S1E13BA 9000; Tax Account #R337300840; Property ID #R172378 at 4618 SE 33rd Avenue; legal description GRAND VIEW ADD, BLOCK B, S 10' OF LOT 3&4, N 42' OF LOT 5 (see Attachment 7). There is currently no future lien number for this property because Council has not yet adopted a resolution initiating LID formation proceedings as of the date of this memorandum.

A letter was received on July 12, 2011 via from Jeff Saltzman, owner of the property with State ID #1S1E13BA 9200; Tax Account #R337300590; Property ID #R172368 at 33328 SE Pardee Street; legal description GRAND VIEW ADD, BLOCK B, N 82.22' OF LOT 1, E 1/2 OF N 82.22' OF LOT 2 (see Attachment 9). There is currently no future lien number for this property because Council has not yet adopted a resolution initiating LID formation proceedings as of the date of this memorandum.

Letters were received on July 12, 2011 via from Brenda Gunderson and David Foster, owners of the property with State ID #1S1E13BA 7800; Tax Account #R263100580; Property ID #R159390 at 4609 SE 33rd Avenue; legal description EXCELSIOR, BLOCK 5, LOT 1&2 (see Attachments 10A and 10B). There is currently no future lien number for this property because Council has not yet adopted a resolution initiating LID formation proceedings as of the date of this memorandum.

1120 S.W. 5th Avenue, Suite 800 • Portland, Oregon, 97204-1914 • 503-823-5185  
FAX 503-823-7576 or 503-823-7371 • TTY 503-823-6868 • [www.portlandoregon.gov](http://www.portlandoregon.gov)

An Equal  
Opportunity  
Employer

To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Ave, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

## **II. ISSUES RAISED BY KEN DYBER & SARAH DYBER**

Letter dated June 2, 2011 - Issue No. 1: This is an official letter of remonstrance against formation of a Local Improvement District (LID) and the proposed project on SE 33rd Avenue and Pardee Street.

### Findings:

- a. Property owners cannot remonstrate against formation of an LID until and unless City Council has initiated LID formation proceedings.
- b. Mr. & Ms. Dyber will have an opportunity to remonstrate against LID formation if Council approves this resolution.

Letter dated June 2, 2011 - Issue No. 2: 1.8% petition support shows that this LID proposal has not been driven forward by the property owners.

### Findings:

- a. As of the filing date of this resolution, there was 51.7% petition support in favor of the project, constituting a majority of the estimated assessment.
- b. All property owners have been invited to the two property owner meetings held for this project. All but one property owner has attended at least one of the two property owner meetings and has had opportunity to provide input on the proposed project and scope.

Letter dated June 2, 2011 - Issue No. 3: My husband and I purchased a modest 950 square foot home in 2003 because that was what we could afford at the time. We had hoped to sell this house to move this year.

### Findings:

- a. If this LID is approved by City Council, construction is not expected until summer 2013, with no payment or financing arrangements likely due until spring 2014. Mr. & Ms. Dyber will likely have three years before any out-of-pocket costs are incurred for this project, since assessment is not made until the project is complete.
- b. Many potential buyers of properties on unimproved streets inquire as to whether there are any plans to improve the street as a prerequisite to submitting an offer on such properties.

Letter dated June 2, 2011 - Issue No. 4: The unpaved nature of the road was actually something we liked about the property when we bought it, as we believe it helps to reduce traffic. We have no need to drive on SE Pardee Street.

Findings:

- a. If this LID is approved, SE 33rd Avenue north of SE Schiller Street will have no outlet to SE 33rd Place except for emergency vehicles, effectively making it a dead-end street. This is not currently the case (see Attachment 2 showing delivery vehicle traffic on SE Pardee Street on May 12, 2011).
- b. SE Pardee Street is currently a pothole-ridden street with standing water for many months of the year (see Attachment 3 from January 15, 2011 and Attachment 4 from February 28, 2011). This property will benefit from improved pedestrian, bicycle and transit access to SE Holgate Boulevard, which is one block north of SE Pardee Street.

Letter dated June 2, 2011 - Issue No. 5: Mr. Aebi reported that improvements on SE Pardee Street may create future water problems on SE 33rd Avenue, and therefore 200 feet of SE 33rd Avenue must be included in the project.

Findings:

- a. Short, unfinished segments of dirt and gravel streets in between two paved streets are especially prone to pothole and stormwater drainage problems (see Attachment 5 showing SE 171st Avenue between SE Stephens Street and SE Harrison Street on March 4, 2011).
- b. No portion of SE 33rd Avenue north of Raymond Street and south of the proposed project limits is unimproved, so completing this street paving as part of this project would be much more cost-effective than deferring a small segment to be completed as part of a future and subsequent LID for SE 33rd Avenue once the improvements on SE Pardee Street are completed.
- c. During a May 24, 2011 on site meeting with the owner of the property at 4634 SE 33rd Avenue, the property owner said that during the winter, there is already standing water at the low spot of elevation on SE 33rd Avenue adjacent to his driveway, which causes mud to be tracked into his garage. Stormwater runoff is already an issue prior to future improvements to SE Pardee Street.

Letter dated June 2, 2011 - Issue No. 6: The proposal includes 200 feet of sidewalk at the dead-end of a block that has no other sidewalks.

Findings:

- a. A “community street” concept is proposed for SE 33rd Avenue, in which a pedestrian facility compliant with the Americans with Disabilities Act will be constructed within the curbs in SE 33rd Avenue instead of as a separated sidewalk.
- b. This project will improve access to properties in the LID for persons with disabilities (see Attachment 6 showing property at 4618 SE 33rd Avenue).

Letter dated July 10, 2011 - Issue No. 1: The petitioner in support of the project also reported that he signed on only after Andrew Aebi suggested that if this particular LID is not created, the City will eventually force a project that will cost the property owners much more in the future.

Findings:

- a. There is more than one petitioner in favor of this project. This project currently has majority petition support.
- b. The Local Improvement District communicated to property owners that if the petition process did not achieve majority support, or if an LID is not formed by Council, property owners’ obligation for frontage improvements is deferred, not eliminated. The scope of a future and subsequent LID proposal may change in the future based on future street and stormwater improvement standards. The decision as to whether to form an LID in the future is at the sole discretion of a future City Council. Even absent any scope change, street improvement costs generally increase over time.

Letter dated July 10, 2011 - Issue No. 2: This process led by Andrew Aebi has been lacking in transparency.

Findings:

- a. All property owners have been invited to two (2) property owner meetings held to discuss the LID. Ms. Dyber attended the first of the two property owner meetings.
- b. The Local Improvement District Administrator has held in-person meetings with property owners at their request. Such meetings are useful in refining the scope of the proposed project. As one example, input from property owners has resulted in a project with no planned right-of-way acquisition. Rather than being indicative of a lack of transparency, the process reflects responsiveness to the objectives of the property owners in the LID.

### **III. ISSUES RAISED BY JON SHEPARD**

Issue No. 1: I am very concerned about the expense of this project, and I cannot afford it.

Findings:

- a. No payment will be required or accepted until after construction is complete. It is currently expected that construction would occur in the summer of 2013 with final assessment not occurring until spring 2014.
- b. The City will offer 5, 10 and 20 year financing to all property owners as an alternative to payment in full.
- c. Mr. Shepard indicates in his letter that he has lived in this home for over 36 years. Under ORS 311.666-311.701 the state of Oregon offers an LID payment deferral program for qualifying senior citizens of age 62 or older and to disabled property owners. Mr. Shepard may qualify under either or both criteria, in which case he would have no payment obligation immediately due upon final assessment.

Issue No. 2: This project provides me no benefit.

Findings:

- a. This project will improve access to properties in the LID for persons with disabilities. It appears that Mr. Shepard has a physical disability (see Attachment 6 showing property at 4618 SE 33rd Avenue).
- b. During a May 24, 2011 on site meeting with the owner of the property next-door at 4634 SE 33rd Avenue, the property owner said that during the winter, there is already standing water at the low spot of elevation on SE 33rd Avenue adjacent to his driveway, which is adjacent to Mr. Shepard's driveway.
- c. Mr. Shepard, as well as all other property owners, has maintenance responsibility to maintain the abutting dirt and gravel street under Chapter 17.42 of Portland City Code. Completion of this project will eliminate such a requirement for 52 feet of abutting frontage for Mr. Shepard's property.
- d. Potential buyers of properties on unimproved streets often inquire whether the street is slated for improvement when considering whether to purchase the property. The pool of buyers for properties on unimproved streets is smaller than for properties on improved streets.



Issue No. 3: I do not know who is asking for this project now, but as a property owner on this street for many years, I strongly object.

Findings:

- a. Complaints have been received about this street since at least March 2008 (see Attachment 8). This project was initiated following requests for assistance from local property owners.
- b. As of the filing date of this resolution, there was 51.7% petition support in favor of the project, constituting a majority of the estimated assessment.

Issue No. 4: The letter was titled "Letter of Remonstrance."

Findings:

- a. Property owners cannot remonstrate against formation of an LID until and unless City Council has initiated LID formation proceedings.
- b. Mr. Shepard will have an opportunity to remonstrate against LID formation if City Council approves this resolution.

#### **IV. ISSUES RAISED BY JEFF SALTZMAN**

Issue No. 1: I am writing this letter to voice my opposition to the recent LID that has been created to improve Pardee Street (which runs along the front of my home) and 33rd Avenue.

Finding:

- a. This LID will not be created unless Council approves this Resolution and the subsequent LID Formation Ordinance.

Issue No. 2: The loan I would be forced to take out would be disastrous for me financially.

Findings:

- a. If this LID is approved by Council, construction is not anticipated until summer 2013 with final assessment in spring 2014. Mr. Saltzman and other property owners would have three years to plan for the future expense, and at the time of final assessment would be offered 5, 10 or 20 year financing.
- b. The LID Administrator met with Mr. Saltzman on site on May 12, 2011 at which time he indicated concern about the potential adverse impact of stormwater runoff from SE Pardee Street downhill to his property. This project would eliminate the need for Mr. Saltzman to undertake his own stormwater management project; e.g., on private property.

Issue No. 3: I am anxious about getting into a relationship with the Bureau of Transportation.

Findings:

- a. An LID is the only feasible option to comprehensively deal with the problems on SE Pardee Street and on SE 33rd Avenue. It will be considerably less expensive for each property owner if all share in the costs of a comprehensive solution instead of each property owner seeking to embark on their own standalone project.
- b. The LID provides financing after completion of construction to all property owners. A permitted project undertaken by Mr. Saltzman or any other property owner would require that the costs be financed out-of-pocket.

Issue No. 4: I would like to look into alternative means to improve Pardee Street with the other involved homeowners.

Findings:

- a. See Findings 'a' and 'b' to Issue No. 3.
- b. The initial formation of an LID to improve SW Nevada Street in Southwest Portland was terminated on November 24, 2004 at the recommendation of the LID Administrator to allow the property owners the opportunity to privately finance the improvement under a permit job. In addition to the logistical difficulties of pursuing a permit job for multiple abutting properties, property owners were understandably reluctant to pay up-front for a project with no assurance of performance. After the private expenditure of \$24,000 in engineering costs (which was not reimbursed by the City or by the LID), a second LID was successfully formed on March 21, 2007 with the passage of Ordinance No. 180843.

## **V. ISSUES RAISED BY BRENDA GUNDERSON AND DAVID FOSTER**

Gunderson Letter Issue No. 1: We are already upside down \$75,000 on our home. If the LID as proposed by the City is approved, we will be upside down \$175,000.

### Finding:

- a. A potential purchaser of this property will base the price on its current value, not its previous purchase price or the extent of the sellers' negative equity. The property owners will be further "upside down" whether the LID extends the public sewer or whether the property owners bear the out-of-pocket cost of the repairs. However, a sewer repair still leaves 200 feet of unimproved frontage as a future financial liability for this or a future owner of this property.

Gunderson Letter Issue No. 2: It is wrong to force homeowners to move forward with a project they clearly do not want, for the benefit of so few. Out of 7 homeowners only one to my knowledge is for the LID.

### Findings:

- a. This project currently enjoys majority petition support (see Exhibit B).
- b. Upon moving into this property, the property owners were in favor of street improvements (see Attachment No. 8).

Gunderson Letter Issue No. 3: Our sewer has a break in the line out in the street. We would rather not spend \$100,000 to save \$18,000.

### Findings:

- a. The LID Administrator in consultation with the Bureau of Environmental Services, has estimated that the construction cost alone (assuming a public contract) would be more than double \$18,000. It may be difficult with the property owners' employment status that they would qualify for private financing to repair the sewer, and would need to hire a licensed and bonded contractor to do this work. The LID is the simplest means of financing this improvement, and it offers an opportunity to defer the expense rather than having to finance it up-front.
- b. Despite a valid petition for this LID being received on April 30, 2011, the LID Administrator has delayed scheduling the Resolution of Intent Hearing until July 20, 2011 to provide the property owners with an opportunity to correct this problem. If this LID is formed by City Council, the existing public sewer will be extended as part of the project. Formation of this LID assures that the leakage problem will be resolved, which to date has not been the case.

Gunderson Letter Issue No. 4: A neighbor just to the west of us is not involved in the LID because only 6 feet is being improved along her property.

Findings:

- a. This portion of Pardee was not proposed for the wider 14' improvement due to right-of-way and topographical constraints.
- b. The obligation to widen the multiuse path is not eliminated because of the assessment exemption; it is only deferred to the future. The multiuse path widening requirement will be triggered upon future development of the properties to the west of this property. No properties assessed for this LID will bear an expense for this future improvement.

Gunderson Letter Issue No. 5: We propose to have the City vacate the right-of-way on SE Pardee Street.

Findings:

- a. Such a street vacation would adversely affect connectivity for bicyclists and pedestrians currently using the right-of-way and has been consistent communicated to the property owners, would be unlikely to be supported by the City. Such a decision would be at the discretion of City Council.
- b. If such a street vacation were approved, emergency access would be adversely impacted. The length of SE 33rd Avenue south of SE Schiller Street is approximately 530 feet, which is in excess of the 300 foot standard at which secondary access or a turnaround is required.

Foster Letter Issue No. 1: The proposed LID does not address the fact that a walking path empties out into the middle of the street. With improved road conditions, traffic of the bikes and pedestrians in my opinion will pose a greater potential for injury or death.

Findings:

- a. The width of the SE Pardee Street right-of-way along this property is 16 feet. Currently there is a hedge encroaching into the right-of-way which creates a sight distance problem. It is the responsibility of the property owner, not the City, to trim or remove this vegetation to create a safe sight distance. If this LID is approved, the hedge in the right-of-way will be removed, eliminating the sight distance problem.
- b. The existing unimproved condition of SE Pardee Street is hazardous for pedestrians and bicyclists. This hazard will be eliminated if this LID is approved.
- c. The multiuse path will be widened adjacent to the SE 33rd Avenue intersection to 14 feet. No vehicular access will be allowed from intersections to the west and bollards will be placed to improve bicyclists' and pedestrians' safety.



Foster Letter Issue No. 2: I request that you provide us with detailed drawings that insure the safety of nonvehicle traffic or the assurance in writing that the City will assume all liability.

Findings:

- a. If this LID is approved, detailed plans will be prepared for the approval of the City Engineer and the City Traffic Engineer.
- b. The City has no record of a permit for the garage on this property using SE Pardee Street for access. This garage does not meet setback requirements and therefore the City assumes no liability resulting from vehicular access to it.
- c. The property owner could simply remove or relocate the garage, and/or remove the hedge encroaching into the right-of-way of SE Pardee Street.

Foster Letter Issue No. 3: SE Pardee Street should be vacated to avoid the expense of improving it.

Finding:

- a. See response 'a' and 'b' to Issue No. 5 from the Gunderson letter.
- b. Upon moving into this property, the property owners were in favor of street improvements (see Attachment No. 8).

Foster Issue No. 4: The letter was titled "Letter of Remonstrance."

Findings:

- a. Property owners cannot remonstrate against formation of an LID until and unless City Council has initiated LID formation proceedings.
- b. Ms. Gunderson and Mr. Foster will have an opportunity to remonstrate against LID formation if Council approves this resolution.

## **VI. RECOMMENDATION**

It is the recommendation of the Local Improvement District Administrator that the City Council initiate local improvement district formation proceedings by approval of this resolution on July 20, 2011.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrew H. Aebi".

Andrew H. Aebi  
Local Improvement District Administrator

RECEIVED ATTACHMENT 1A

JUN 08 2011

**OFFICE OF THE  
CITY AUDITOR**

June 2<sup>nd</sup>, 2011

Dear City of Portland,

This is an official letter of remonstrance against the formation of a Local Improvement District (LID) and the proposed project on SE 33rd Ave & SE Pardee St. We oppose the project, cannot afford it, and will not benefit from it. The fact that the LID Administrator, Andre Aebi, was prepared on May 27th to bring the proposal to council based on a majority of waiver of remonstrance support, and only 1.8% petition support, shows that this LID proposal has not been driven forward by the property owners.

The fact that this project would impose the burden of debt upon home owners seems incomprehensible, especially when taking into account the current state of the economy and of the housing market in particular. Being billed an estimated \$37,400 (about \$67,500 with the city's relatively high interest rate of 6.75%) by the City of Portland would essentially bring the amount we owe on our house back up to what the original mortgage was when we bought our home 8 years ago. It would be as though we didn't spend those years paying down the mortgage, except now we would owe that money to the City at a much higher interest rate than our original mortgage loan rate. My husband and I purchased a modest 950 square foot home in 2003 because that was what we could afford at the time. Consider that if the estimated cost of the project was included with the original purchase price of our home, we would not have even been approved for a mortgage loan by the bank high enough to have afforded the property in the first place. The loan amount that Mr Aebi's proposal would impose upon us, was an amount considered by the bank to be outside of our means.

I work in community mental health for a not-for-profit agency. As mental health services for the uninsured are not highly funded at this time, it is not a field with much job security. My husband is a self-employed residential contractor. He is dependent on the economy and especially on the housing market, and so he is constantly struggling to get enough work. We are clearly not stable or profitable enough in our earnings that we could consider seeking a loan for any purpose at this time. Additionally, it is unlikely that the project will increase our property value, instead, it is more likely that it would impede our ability to sell. We had hoped to sell this house to move this year, and that doesn't seem likely if there is a \$37,000 lien against the property. This LID project also means that we are more likely to lose money on a sale, as the equity we now have will no longer exist. Finally, should this LID be created, I doubt that we would be looking to purchase another home in the City of Portland.

Our property is on SE 33rd Ave and we have a short drive on gravel to reach our driveway. We are happy with the road's current condition. It has required little maintenance to remain a flat and even surface. We have done our share both time wise, and financially, to maintain the road. We have purchased gravel every three years to level off the street and add to its foundation. Rather than seeing a benefit from the project, we see it as taking away one of the positive features of the property. The unpaved nature of the road was actually something that we liked about the property when we bought it, as we believe it helps to reduce traffic. Lastly, we have no need to drive on SE Pardee St, as our property is entirely on SE 33rd Ave, so there are no direct benefits from the project on SE Pardee St.

Clearly SE Pardee St. is the primary target of this project. It is a block which is barely used and consists of only three homes. The nursing home that borders to the north has no use for that piece of road at all, and has in fact fenced itself off from the road entirely. Mr. Aebi reported that improvements on SE Pardee St may create future water problems on SE 33rd Ave, and therefore 200 feet of 33rd Ave must be included in the project. We would argue that we should not be held financially responsible for issues that arise due to a project on a street which we do not actually live. The rest of the proposal for 33rd Ave is absurd and seems to exist primarily to justify its inclusion in the SE Pardee project. For example, the proposal includes cost for 200 feet sidewalk at the

dead-end of a block that has no other sidewalks. In fact, it is in character with the neighborhood, much of which is without sidewalks.

Finally the Bureau of Transportation website states, "If petitions are received representing more than 50 percent of benefiting property owners, City Council will consider whether to form an LID". This was simply not the case on May 27th when Mr. Aebi stated in an email that, "The waiver of remonstrance support alone is sufficient to move this project forward for City Council consideration". Certainly the criticism of unpaved streets in Portland and LIDS is not new. The idea that citizens are expected to pay such a large bill for such a basic urban feature as a paved road is amazing. We are very strongly in opposition to this LID proposal. Aside from liking our part of SE 33<sup>rd</sup> Ave in its current state, we simply cannot afford this project, and our property will not benefit from it. According to the information provided by the Bureau of Transportation, the formation of a LID is a tool for property owners who request to share in the cost of a project. We do not request it and will oppose it in any way legally possible. The fact that this proposal would be sent to council for consideration based on only 1.8% petition support and 57.7% waiver support clearly indicates that it is not the property owners who are driving this project forward. Instead of a collaboration of homeowners and the City, this feels more like bullying. We would like to believe that is not the relationship the City of Portland is seeking to have with its citizens.

Thank you for your time,

Two handwritten signatures are present. The one on the left is a cursive signature that appears to be 'Sarah Dyber'. The one on the right is a more stylized cursive signature that appears to be 'Ken Dyber'.

Ken and Sarah Dyber

503.488.5573 | [ken@aesthetics-usa.com](mailto:ken@aesthetics-usa.com)  
503.235.3391 | [sarah@aesthetics-usa.com](mailto:sarah@aesthetics-usa.com)  
4617 SE 33<sup>rd</sup> Ave. Portland, OR 97202

7.10.2011

RE: Local Improvement District Proposal-SE 33rd Ave + SE Pardee St.

To: Auditor's Office

CC: Bureau of Transportation; Bureau of Environmental Services; Bureau of Water Works

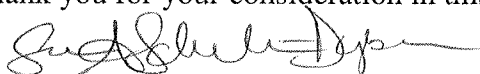
To Whom It May Concern:

We are writing to reiterate our strong opposition to this LID proposal, as documented in our previous remonstrance letter dated June 2, 2011.

In addition, we urge you to solicit feedback from property owners when evaluating the job performance of LID Administrator Andrew Abei. Our discussions with our neighbors who oppose the LID seem to reveal that he has engaged in coercive techniques in his efforts to petition support for this proposal. The petitioner in support of the project also reported that he signed on only after Andrew Abei suggested that if this particular LID is not created, the City will eventually force a project that will cost the property owners much more in the future.

From our own experience, we can certainly say that this process led by Andrew Abei has been lacking in transparency. And after discussions with our neighbors it appears that overall this process has been pushed forward largely by misinformation or deficient information, rather than by a City of Portland administrator responding to the needs and wishes of the property owners involved.

Thank you for your consideration in this matter.



Ken and Sarah Dyber  
4617 SE 33<sup>rd</sup> Ave

**RECEIVED**

**JUL 12 2011**

**OFFICE OF THE  
CITY AUDITOR**























**RECEIVED**

JUL 07 2011

**TRANSPORTATION**

June 6, 2011

RE: Letter of Remonstrance

To Whom It May Concern,

I am writing this letter to express my opposition to the proposed SE 33<sup>rd</sup> Avenue and Pardee Street Local Improvement District. I am very concerned about the expense of this project, and I cannot afford it.

This project provides me no benefit, as I do not wish to have my portion of SE 33<sup>rd</sup> Ave. paved, and I also do not want a sidewalk put in. Not only have I lived here over 36 years without any problems from the unpaved road on my portion of 33<sup>rd</sup> Ave, I do not have a need to use SE Pardee St. at all.

I do not know who is asking for this project now, but as a property owner on this street for many years, I strongly object.

Sincerely,



Jon Shepard,

4618 SE 33<sup>rd</sup> Ave.,

Portland, OR 97202



**Aebi, Andrew**

---

**From:** Aebi, Andrew  
**Sent:** Monday, March 03, 2008 8:07 AM  
**To:** 'newstripes@comcast.net'  
**Subject:** RE: Road Improvement of Unimproved Roads - SE 33rd Avenue and SE Pardee Street

Ms. Gunderson and Mr. Foster,

Thank you for your e-mail. Both SE Pardee Street from 33rd Avenue to 33rd Place, as well as SE 33rd Avenue from approximately 195 feet of Pardee Street to Pardee Street are dirt and gravel streets that are not maintained by the City. They are eligible for grading and gravelling without a permit under our Expanded Maintenance Options program, but not a paving overlay, which could cause drainage problems. Both streets also could be improved to City standards via a local improvement district (LID) after which time the City would maintain these streets.

One problem with improving SE Pardee Street is that the right-of-way width is only 20 feet wide; we typically need a minimum of 50 feet of right-of-way to build the street with sidewalks and drainage. SE 33rd Avenue has a 50-foot wide right-of-way and therefore would not require right-of-way acquisition to improve. Right-of-way acquisition costs are included in the costs of LIDs.

Information on LIDs and Expanded Maintenance Options are provided at the links below.

LIDs: <http://www.portlandonline.com/transportation/index.cfm?c=35715>  
 Expanded Maintenance Options: <http://www.portlandonline.com/transportation/index.cfm?c=35715&a=146099>

Please feel welcome to contact me if you have additional questions or would like me to schedule an informal neighborhood meeting.

Regards,

*Andrew Aebi, Local Improvement District Administrator, City of Portland  
 (503) 823-5648 fax (503) 823-7371 [andrew.aebi@pdxtrans.org](mailto:andrew.aebi@pdxtrans.org)  
[www.portlandonline.com](http://www.portlandonline.com) - Services Menu - local improvement districts*

-----Original Message-----

From: newstripes@comcast.net [<mailto:newstripes@comcast.net>]  
 Sent: Sunday, March 02, 2008 11:47 AM  
 To: [andrew.aebi@pdxtrans.org](mailto:andrew.aebi@pdxtrans.org)  
 Subject: Road Improvement of Unimproved Road

I was recently at the city and they told me to contact you about having our road paved. We live at 4609 SE 33rd Avenue, Portland, OR 97202; on the corner of 33rd Ave and Pardee at a dead end. We use Pardee to go out to 33rd St. and exit to Holgate but it is getting extremely difficult to navigate due to large, deep, potholes. The road is unpaved also on the last portion of 33rd Avenue in front of our house. Further, it is very overgrown both on Pardee and 33rd Avenue on the unpaved portions with brush and shrubbery.

We purchased the home in July of 2008 and would like to start the process for taking care of this. If you could instruct me how to proceed, it would be greatly appreciated.

Enjoy this beautiful weather.

Brenda Gunderson and David Foster

TO WHOM IT MAY CONCERN,

MY NAME IS JEFF SALTZMAN AND I AM THE SOLE PROPERTY OWNER OF THE SINGLE FAMILY RESIDENCE AT 3332 SE PARDEE STREET. I AM WRITING THIS LETTER TO VOICE MY OPPOSITION TO THE RECENT L.I.D. THAT HAS BEEN CREATED TO IMPROVE PARDEE STREET (WHICH RUNS ALONG THE FRONT OF MY HOME) AND 33RD AVENUE. ALTHOUGH I RECOGNIZE THE ADVANTAGES TO THE PROJECT MY REASONS FOR DISSENT ARE AS FOLLOWS:

① THE RESULTING FINANCIAL BURDEN PLUS THE COMPOUNDED INTEREST THAT WOULD BE ADDED IN FROM THE LOAN I WOULD BE FORCED TO TAKE OUT FOR THE AMOUNT (\$37,000 DOLLARS AS QUOTED BY THE DEPT. OF TRANSPORTATION



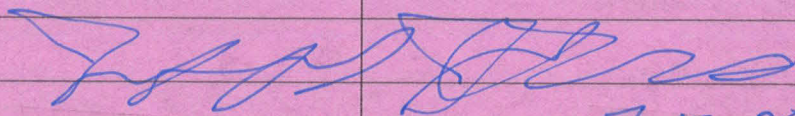
OFFICIALLY,) WOULD BE DISASTEROUS FOR ME FINANCIALLY.

② THROUGH DISCUSSIONS WITH MY NEIGHBORS AND PERSONAL INTERACTIONS I HAVE COMPLETELY LOST CONFIDENCE IN THE DEPARTMENT HANDLING THE SAID L.I.D. AND FEEL ANXIOUS GETTING INTO A LONG TERM (AND EXPENSIVE) RELATIONSHIP WITH THEM.

③ LASTLY I WOULD LIKE TO LOOK INTO ALTERNATIVE MEANS TO IMPROVE PARDEE STREET WITH THE OTHER INVOLVED HOME OWNERS

THANK YOU FOR YOUR TIME,

JEFF SALTZMAN: OWNER OF  
3332 SE PARDEE ST. PDX 97282



7-12-2011

July 12, 2011

LaVonne Griffin-Valade  
City Auditor  
1221 SW 4th Avenue  
Room 140  
Portland, OR 97204  
503-823-4082

**RE: LID, Involving Street Improvement at 4609 SE 33<sup>rd</sup> Ave**

Dear City Auditor, Andrew Abei or Whoever This Concerns:

This letter is a formal opposition to the proposed LID, which is being presented to us at our portion of the cost of \$100,000 , not including interest after being on the payment plan. We cannot afford this expense.

We are currently in a recession, which we have been in since 2007. A speedy recovery was expected and within two years we were to be back to business as usual. So far, I work part time selling Real Estate and my husband is unemployed, with the hopes that a recovery will come soon. Currently, we are just able to make our payments on the home we purchased.

We purchased this home for the sum of \$525,000 and today the market value is \$450,000 at best (comps available if desired), with the housing market still in a slump and no recovery in sight. If we are forced to sell our home, we are already upside-down \$75,000. If the LID as proposed by the city is approved, we will be upside down \$175,000. It is very unlikely the road improvement would increase the value of our property in today's market. If we are forced to sell, in order to pay the additional monthly amount imposed on us by the LID, we must disclose the pending assessment to the potential buyers, who must be willing to take on the additional debt. So you can see, it doesn't really improve the value, because of the cost associated to it.

We agree, it would be nice to improve the road, but with the economy in this state, it is not prudent for us or our neighbors to fix the road, at the costs you have proposed. I also feel like we are being coerced into being in favor of this LID.

I was led to believe a developer purchased the property at 3316 SE Pardee, and that he was for the project because it would help cover his cost for required street improvement. As an investor or business owner, pushing the street improvement through is a smart move, but as homeowners, it is detrimental and I recently learned that the new owner is an individual, who would rather remodel the exiting home and keep it as a single family residence with an ADU. For the Holgate Center, who I am told must give automatic support, because their parking uses 10-feet of the right of way, it is also a good deal because it protects their parking space and prevents a larger project from coming through. But why should this LID mostly benefit businesses or investors?

It is wrong to force homeowners to move forward with a project they clearly do not want, for the benefit of so few. It is wrong to use those of us who live here as a way for those who don't have to

live here to reduce their liability and help cover their own expenses. Out of 7 homeowners, only one to my knowledge is for the LID (and even he said he only signed the petition because he was told it was the lesser of two evils should a larger project be proposed later). And with that one vote, we understand the Holgate center, who might even be against it if they knew about other options, is then forced to automatically support the project, covering a huge part of the expense and causing the proposal to move forward. This feels more like corruption than cooperation between the City and the community it should serve.

The LID also brought to light that our home is on a non-conforming sewer, which is another element I feel is being used to try and convince us in favor of the LID. Our sewer also has a break in the line out in the street, which I am sure is not a good thing, but we are being told we can't fix it...we need to wait for the LID results. We want to fix our sewer if there is a problem and if we must do so to be in compliance, but passing this expense on to others in the LID does not feel right. We would also rather not spend \$100,000 to save \$18,000.. the math doesn't add up very well.

We also learned that the neighbor just to the west of us on Pardee is not involved in the LID, because you are only fixing 6 feet of (the Holgate Center's portion) beside her property. Wow.. can we all get this instead?

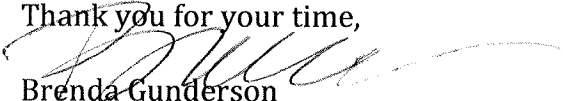
Now that we know the cost, we would rather take care of the road ourselves, as a group, than have this imposed on us by the city. We could renew old maintenance agreements and create new ones with other members on Pardee. We could also propose to have the city vacate our properties on Pardee and would be willing to take on the expense for making that happen. This would relieve the Holgate center and the City of Portland of liability and maintenance.

When we approached the city about fixing some potholes and improving the roadway for safety, we had no idea we might be signing up for a fight. We thought we would be working together, instead we feel like we are in a fight we might loose.. and that loss could cost us dearly. For example, it would be a huge part of our children's college education, our home .

There are more economical ways of addressing the problems on 33<sup>rd</sup> and Pardee, without forcing residents into hardship and possible foreclosure or bankruptcy. To put things into perspective, if you are a homeowner, add a \$100,000 lien on your property today to improve road conditions in your area, and tell me if you think it is a good idea?

I hope you will seriously consider the hardship this LID will cause for us and abandon the proposed LID.

Thank you for your time,



Brenda Gunderson  
4609 SE 33<sup>rd</sup> Ave  
Portland, OR 97202  
503-314-1906

July 12, 2011

Lavonia Griffin-Valued  
City Auditor  
1221 SW 4th Avenue  
Room 140  
Portland, OR 97204  
503-823-4082

AUDITOR 07/12/11 PM 2:34

**RE: LID, Letter of Remonstrance  
Involving Street Improvement at 4609 SE 33<sup>rd</sup> Ave**

In addition to prohibitive and exorbitant cost for the proposed LID on 33<sup>rd</sup> and Pardee which my wife has referenced in her letter of remonstrance, I am writing to a formal opposition based on the safety of the new proposal being inadequate.

The proposed LID does not address the fact that a walking path, empties out into the middle of the street. Putting in removable bollards, lights and a sign are simply are not enough. In fact, the LID will increase pedestrian and bike traffic, and increase for all those who have driveways on Pardee street.

The proposed installations of bollards on SE Pardee St (as the proposed roadway is not wide enough for 2-way traffic) will be effective in limiting vehicle traffic to local use, but the proposed road is still not wide enough for vehicles and sidewalks. Currently bicycle and pedestrian traffic is minimized because of the poor road condition and is still extremely dangerous to both pedestrians and bicycles. With improved road conditions, traffic of the bikes and pedestrians, and the speed they travel will be increased, which in my opinion will pose a greater potential for injury or death. Your current plan to put up signs to warn pedestrians and bicyclists of potential dangers from vehicle traffic, will not effectively provide a safe path from harm. I cannot support the current proposal without assurances that the safety issues are dealt with before seeking LID approval from city council.

If the plan you propose is approved, allocation of right-of-way on the north side of Pardee St. will be unavailable. Your comment that we can work on the safety aspect of the project, after the LID has been approved by council, is highly improbable as it severely limits the options. Without a plan on paper that addresses these issues, and has the approval of your current supporters, action should not be taken before council.

Currently you have support from the Holgate Center because they will not be liable for future LIDs, which might include acquisition of property; and they will no longer be liable for accidents caused by an unimproved road. However, to adequately provide room for sidewalks and bicycle traffic, acquisition from them should be necessary. It seems we are helping Holgate center purchase a safety net, while my liability has increased. I request that you provide us with detailed drawings that insure the safety of non-vehicle traffic or



the assurance in writing that the city that will assume all liability that arises from accidents between pedestrians, bicyclists and vehicles.

In an email to Andrew and at a personal meeting I did propose 5 other options, however attached is the one which most cost effectively resolves this situation.

One of the proposals (**Proposal E**) is that owners along Pardee apply for the city to vacate their ownership of the property, which are essentially driveways. This imposes the least cost to the City and property owners, in addition to removing all liability. All of the neighbors we mentioned this to, were in favor of the idea, even though it reduces pedestrian access between 33<sup>rd</sup> and 32<sup>nd</sup>.

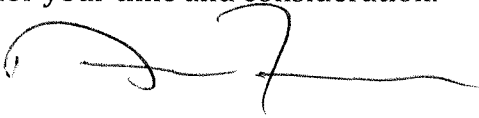
Not only does it reduce the cost to us, the homeowner, but also the cost to the city and The Holgate center. Why wouldn't the council want to shelf the proposed LID, until a more economical solution and safe solution for all parties is agreed upon?

I have had a few close calls and honestly feel like if action is not taken soon, someone will be seriously injured. Until a solution is in place, I feel like it might be prudent to close the road to pedestrian and bicycle traffic.

I hope this helps you understand my position and you can see that we are not just trying to be contrary, just trying to offer reasonable solutions.

Thank you for your time and consideration.

Regards,

A handwritten signature in black ink, appearing to be 'David Foster', with a long horizontal flourish extending to the right.

David Foster  
4609 SE 33<sup>rd</sup> Ave  
Portland, OR 97202  
360-566-5885

Proposal E

David + Brenda 4609 SE 33<sup>rd</sup> Ave

• Bollard

32<sup>nd</sup> Ave

VACATION

4609

PARDEE ST.

SE 33<sup>rd</sup> Ave

VACATION<sub>ing</sub>

33<sup>rd</sup> place

## **RESOLUTION No.**

Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33rd Ave and Pardee St Local Improvement District (Resolution; C-10042)

WHEREAS, valid petitions from owners of properties within the proposed SE 33rd Avenue and Pardee Street Local Improvement District were filed with the Local Improvement District Administrator as contained in Exhibit A (attached to the original only); and

WHEREAS, the Local Improvement District Administrator has reviewed the petitions attached in Exhibit A and determined all of them to be valid; and

WHEREAS, as set forth in Section 17.08.010 of City Code the Bureau of Transportation is the Responsible Bureau for the proposed improvement, and the Bureau recommends initiation of local improvement district formation proceedings; and

WHEREAS, the petitions contain signatures of owners of property representing a majority of the properties which will be specially benefited by the proposed improvement as evaluated in Exhibit B; and

WHEREAS, the project is located in the Reed neighborhood, whose neighborhood association was notified of this project on April 15, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the local improvement district shall be known as the SE 33rd Avenue and Pardee Street Local Improvement District and for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit C; and

BE IT FURTHER RESOLVED, that the general character and scope of the SE 33rd Avenue improvement from 326 feet north of the north right-of-way line of SE Schiller Street to the south right-of-way line of SE Pardee Street is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base asphaltic concrete in the vehicle travel lane area and Portland cement concrete in the pedestrian area; construct stormwater management facilities; and plant street trees in most locations; and

BE IT FURTHER RESOLVED, the general character and scope of the SE Pardee Street improvement from the east right-of-way line of SE 31st Avenue to the west right-of-way line of SE 33rd Place is to remove the existing dirt, gravel and/or hard surface; grade the path to its proper subgrade; construct a concrete multiuse path with an aggregate base; and add path lighting; and

BE IT FURTHER RESOLVED, the preliminary estimate of the cost of the improvements is \$820,495.63 and the Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006, given that project specifications are preliminary; and

BE IT FURTHER RESOLVED, that the assessment methodology of the SE 33rd Avenue and Pardee Street shall be on an abutting linear footage basis, unless this assessment methodology is modified by Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that property owners will provide funding estimated at \$699,594.39 plus the costs of extra work, if any; and the Bureau of Transportation will provide funding estimated at \$120,901.24 for overhead costs; and

BE IT FURTHER RESOLVED, that the Council intends to construct the project with survey, design and project management by the Bureau of Transportation, and construction of the improvement by the contractor submitting the lowest responsive bid for the improvement; and

BE IT FURTHER RESOLVED, that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on August 17, 2011 at 9:30 AM or on the earliest practicable date thereafter.

Adopted by the Council,

Mayor Sam Adams

Prepared by: Andrew Aebi:slg

Date Prepared: July 5, 2011

**LaVonne Griffin-Valade**

AUDITOR OF THE CITY OF PORTLAND

By

Deputy