

NE 136th AVE PHASE 1 LIDIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
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August 25, 2010

Portland City Council
City Hall
1221 SW Fourth Ave, Rm 110
Portland, OR 97204

Re: Proposed NE 136th Avenue Phase I Local Improvement District
Our File No.: 122265/176814

Ladies and Gentlemen:

We represent Public Storage, the owner of the property located at 13515 NE Prescott Court. We have previously submitted written comments to the City regarding the proposed Local Improvement District, and we have testified at the City Council hearing on July 28, 2010, as well as having spoken many times with City staff regarding this matter.

We are very disappointed that the City did not copy us on the August 4, 2010 hearing notice and cost estimate but rather, only provided written notice to our client, which is a large corporation located in Glendale, California. Nor did the City – as it has on other occasions – provided direct notice to Christopher Tucker, the in-house counsel at Public Storage. Because of this, we only received the notice in our office on August 20, 2010, after the expiration of the August 18, 2010 deadline in the notice for submitting remonstrances.

We remind the City that remonstrances were already submitted by our client at the July 28, 2010 hearing, as well as a written remonstrance that was submitted by Supreme Steel.

Public Storage requests that the City not proceed with the proposed LID unless the LID is limited to curb-tight sidewalks so that no right-of-way acquisition will be necessary. We incorporate our prior July 28, 2010 letter and reiterate our point about the unfairness of requiring a property owner to pay a special assessment to cover the costs of acquiring that owner's own property. The takings clause of the Fifth Amendment is applied to the States through the Fourteenth Amendment. The clause "was designed to bar government from forcing some people alone to bear public burdens which, in all fairness and justice should be borne by the public as a whole." *Armstrong v. United States*, 364 US 40, 49 (1960). Where is the fairness in acquiring

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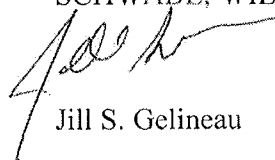
property from a landowner, paying the landowner for it, and then turning around and assessing the landowner for the costs of acquiring the land?

Our client, Public Storage, has informed us that any property acquisition in this case is unacceptable and Public Storage intends to use its full resources to oppose any proposed LID that requires a property acquisition.

If the Council approves this LID, we request direction from Council that the proposal be for curb-tight sidewalks so that a right-of-way acquisition is unnecessary.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.



Jill S. Gelineau

JG:lr

cc: Andrew Aebi, PDOT LID Administrator (via First Class Mail)
Christopher Tucker (via e-mail and First Class Mail)