



Sam  
Adams  
Mayor

August 26, 2010

Susan D.  
Keil  
Director

## **SUMMARY OF REMONSTRANCES AND FINDINGS TO COUNCIL**

Create a local improvement district to construct street, sidewalk and stormwater improvements from NE 76th Ave to NE 79th Ave and from 120 feet east of NE 80th Ave to NE 82nd Avenue of Roses in the NE Alberta St Phase I Local Improvement District (Hearing; Ordinance; C-10037)

### **I. SUMMARY**

A written remonstrance was received by the filing deadline objecting to formation of the NE Alberta Street Phase I Local Improvement District (LID). The remonstrance was submitted by the owner of 1 of the 20 properties proposed for inclusion in the LID. Total remonstrances represent 3.2% of the total area of properties included in the local improvement district; 3.7% of the assessable area of properties included in the local improvement district; and 15.1% of the estimated assessment of properties included in the local improvement district.

### **II. SPECIFIC RESPONSES TO THE REMONSTRANCE FILED BY PROPERTY OWNERS VISTA HOSPITALITY LLC**

A remonstrance was submitted by Jitesh "JD" Desai, owner of the developed property at 4911 NE 82ND AVE; State ID #1N2E20AD 100; Tax Account #R942200530; Property ID #R318173; legal description SECTION 20 1N 2E, TL 100 0.86 ACRES; pending lien record #149577; see Attachment 1.

### **ISSUE RAISED BY THE REMONSTRANCE**

Issue No. 1: Currently our economic and financial situation is not favorable for this magnitude of cost.

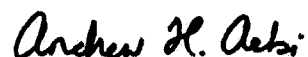
#### **Findings:**

- a. Local improvement district assessments are based on benefit to property, not property owners' ability to pay.
- b. The owner of this property previously tendered petition support in favor of this project; see Exhibit A of Resolution No. 36806 approved by Council on August 4, 2010.
- c. Removing frontage improvements for this property from the scope of this LID does not eliminate the responsibility of this or a future owner of the property to improve NE Alberta Street to City standards; it merely postpones this obligation to the future.

## II. RECOMMENDATION

It is the recommendation of the Local Improvement District Administrator that the City Council render the remonstrance received moot by amending this Ordinance to remove Assessment Zone C and construct street improvements only between NE 76th Avenue and the west property line of 7945 NE Alberta Street and form the NE Alberta Street Phase I Local Improvement District as amended.

Respectfully submitted,



Andrew H. Aebi  
Local Improvement District Administrator

184105

LaVonne Griffin-Valade  
City Auditor  
Assessments, Finance & Foreclosure Division  
1221 SW 4<sup>th</sup> Ave., Room 130  
Portland, OR 97204-1905

August 25, 2010

AUDITOR 08/25/10 PM 3:50

Vista Hospitality, LLC  
PO Box 1120  
Beaverton, OR 97075

RE: Account No-149577 / Project No: C10037 / Tax Acct. No. – R942200530

To whom it may concern,

Please find this letter of remonstrance against the proposed improvement for the NE Alberta Street Phase 1 LID. Currently, our economic and financial situation is not favorable for this magnitude of cost. Options outlined are unfavorable and would place our business in jeopardy of conducting normal business. Please remove our property from this proposed LID. Your consideration would be greatly appreciated.

If you have any questions, please feel free to call me on my cell, 971-246-0123.

Yours truly,



Jitesh "JD" Desai  
Vista Hospitality, LLC  
Operations Manager/Owner  
(971) 246-0123