

**SE 82ND AVENUE OF ROSES & BYBEE BOULEVARD LOCAL IMPROVEMENT
DISTRICT PETITION, AGREEMENT AND WAIVER FORM**

THANH Q. NGUYEN
SAMANTHA DANG
ANNIE & PETER C.L. CHU

TO THE COUNCIL OF THE CITY OF PORTLAND:

The undersigned hereby petition the Council of the City of Portland to form a local improvement district in the manner and for the purposes described in Attachment 1. The undersigned make this petition as the legal owner(s) or contract purchaser(s) of real property, described in Attachment 1.

A. Recitals.

1. Name of Local Improvement District:
SE 82nd Avenue of Roses & Bybee Boulevard Local Improvement District
2. Petitioner's Name and Mailing Address:

NGUYEN, THANH Q & DANG, SAMANTHA & CHU, ANNIE & PETER C L
6933 SE 82ND AVE
PORTLAND OR 97266
3. Property owners Nguyen, Dang and Chu own the following property that will be specially benefited by the SE 82nd Avenue of Roses & Bybee Boulevard Local Improvement District:
 - a) Property with State ID #1S2E20AA 8900; tax account #R992202370; property ID #R336471; legal description SECTION 20 1S 2E, TL 8900 1.04 ACRES, LAND & IMPS SEE R336472 (R992202371); 46,282 square feet prior to dedication; 342 total abutting linear feet; 336 assessable abutting linear feet (63.5% share of the LID cost)
 - b) Preliminary estimate of improvements for this property: \$281,025.54
2. The following two (2) properties are also included in the proposed SE 82nd Avenue of Roses & Bybee Boulevard Local Improvement District under common ownership:
 - a) Property with State ID #1S2E20AA 8700; tax account #R992200340; property ID #R336300; legal description SECTION 20 1S 2E, TL 8700 0.90 ACRES; 39,966 square feet; 93 abutting linear feet (17.6% share of the LID cost)
 - b) Property with State ID #1S2E20AA 8800; tax account #R992201100; property ID #R336356; legal description SECTION 20 1S 2E, TL 8800 0.21 ACRES; 9,934 square feet; 100 abutting linear feet (18.9% share of the LID cost)

3. Building permit #06-178621 was previously scheduled to expire on December 23, 2010 if bonding and other requirements of a Bureau of Transportation permit for frontage improvements were not met. The expiration of this building permit was extended by the Bureau of Development Services to 11:59 PM on December 31, 2010 to allow the property owners an opportunity to pursue a local improvement district in lieu of a Bureau of Transportation permit. This deadline was met when a previous petition for this LID was signed. This petition replaces the previously-signed petition for this property (see Exhibit A of Resolution No. 36845 approved by Council on February 2, 2011).
4. The SE 82nd Avenue of Roses & Bybee Boulevard LID will construct currently-required frontage improvements for SE 82nd Avenue as well as the future frontage requirements for SE Bybee Boulevard. Future frontage requirements for SE 81st Place are not included within the scope or estimate of this project due to the requirement that an existing building in the area of the widened right-of-way be demolished or relocated; however an Extra Work Agreement may be negotiated to include this additional work and expense subject to Local Improvement District Administrator and City Engineer approval.
5. The scope of improvements on SE 82nd Avenue is to construct approximately 313 feet of 6'-wide sidewalk and a 4'-wide planting strip or concrete furnishings zone from the north right-of-way line of SE Bybee Boulevard to the north property line of Tax Lot 8700 in replacement of the existing curb and curbtight sidewalk.
6. The scope of improvements on SE Bybee Boulevard is to construct approximately 225 feet of 6'-wide sidewalk, an 8'-wide stormwater facility, and a 2' street width widening from the west right-of-way line of SE 82nd Avenue to the west property line of Tax Lot 8900 where there is no existing curb, sidewalk or drainage.
7. Necessary right-of-way to construct the scope of improvements identified in Recitals A.6 and A.7 will be donated to the City of Portland in consideration for forming the SE 82nd Avenue of Roses & Bybee Boulevard LID. Section 17.08.080 of City Code will be waived if the necessary right-of-way is not donated within 40 calendar days of documents being provided to the property owner for signature.
8. The City Engineer retains sole authority to determine widths and alignments of the improvements; however the amount of right-of-way to be donated will not be increased.

B. Waivers. In making this petition, the undersigned agree to the following waivers:

1. All rights to a public hearing on the formation of the SE 82nd Avenue of Roses & Bybee Boulevard LID, on the scope of the improvements to be made, on the method for apportioning final improvement costs, and on the amount of the final assessment.
2. All rights to remonstrate against the formation of the SE 82nd Avenue of Roses & Bybee Boulevard LID and the final assessment of the SE 82nd Avenue of Roses & Bybee Boulevard LID.
3. All irregularities or defects, jurisdictional or otherwise, in the process by which the local improvements are made to the property subject to this agreement, or in the process by which the SE 82nd Avenue of Roses & Bybee Boulevard LID was formed or administered, or by which final assessment was made.





C. Terms and Conditions. The undersigned agree to the following terms and conditions:

1. Building permit #06-178621 will not be canceled by the Bureau of Development Services provided that signed and notarized copies of each of the three Petition and Waiver Agreements is provided to the Local Improvement District Administrator by 5:00 PM on February 25, 2011. Issuance of the building permit is subject to final approval by the Bureau of Development Services, the Bureau of Transportation, and City Council; however in the event that the building permit is canceled, the Local Improvement District Administrator will recommend to City Council that formation of the SE 82nd Avenue of Roses & Bybee Boulevard LID be terminated and the property owner will retain the right to remonstrate against formation of the SE 82nd Avenue of Roses & Bybee Boulevard LID notwithstanding Section B.
2. The City shall assess benefited property based on the apportionment method identified in Section A consistent with the City's assessment policies and practices.
3. The LID boundary includes the properties identified in Recitals A.1 and A.2 plus the rights-of-way of SE 82nd Avenue, SE Bybee Boulevard and SE 81st Place abutting these properties.

D. Obligation and Lien on Real Property

This Petition, Agreement and Waiver is for the benefit of the City of Portland, is intended as an obligation of the benefited property identified in Attachment 1, and binds all subsequent purchasers. Special assessments, which result from construction of local improvements, are a lien on real property, enforceable through foreclosure and property sale. The property owner(s) agree that the City of Portland will remove a lien on any single property identified in Recitals A.1 and A.2 above only when the combined obligations of all properties have been satisfied in full. Therefore the property owner(s) also agree that the City retains the right of foreclosure and property sale on all properties identified in Recital A.1 and A.2 above should the payment on any single property be in arrears.

E. Petitioner's Signatures

 Date: 2/17/2011
 Date: 2/17/2011
 Date: 2/17/2011
 Date: 2/17/2011

F. Notary's Declaration

STATE OF OREGON)
County of Multnomah)

BE IT REMEMBERED, THAT on this 17th day of February, 2011, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal the day and year last above written.


 Notary Public for Oregon

My Commission Expires

12/23/2014



ATTACHMENT I

184506

PortlandMaps

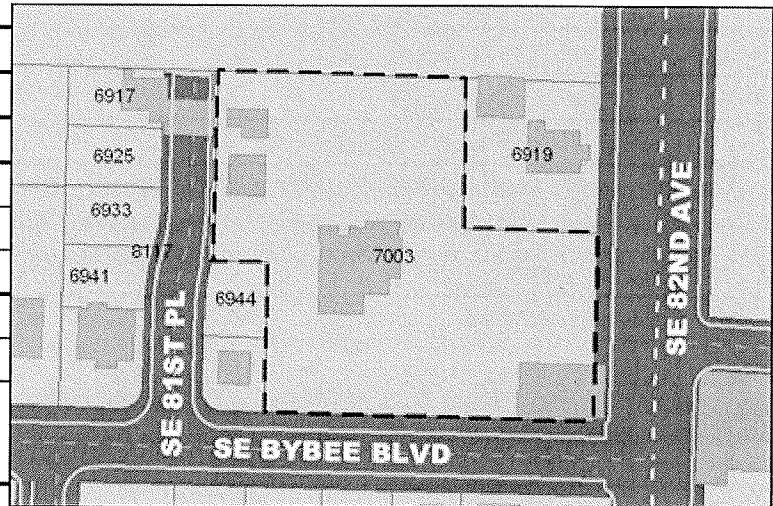
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7003 SE 82ND AVE - BRENTWOOD-DARLINGTON - PORTLAND

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General Information

Property ID	R336471
County	MULTNOMAH
State ID	1S2E20AA 8900
Alt Account #	R992202370
Map Number	3738 OLD
Site Info	
Site Address	6933 SE 82ND AVE
City/State/Zip	PORTLAND OR 97266
Owner Info (Privacy)	
Owner(s) Name	NGUYEN THANH Q & DANG,SAMANTHA & CHU,ANNIE & PETER C L
Owner Address	6933 SE 82ND AVE
City/State/Zip	PORTLAND OR 97266



0 |—————| 133 FT

Property Description

Tax SECTION 20 1S 2E, TL 8900 1.04 ACRES, LAND & IMPS SEE Roll R336472 (R992202371)		Use MANUFACTURE HOME PARK
Lot TL 8900	Block	
Tax Districts		
101 PORT OF PORTLAND	130 CITY OF PORTLAND	
130L CITY OF PORTLAND CHILDREN LOP	130M CITY OF PORTLAND PARKS LOP	
143 METRO	164 EAST MULT SOIL/WATER	
170 MULTNOMAH COUNTY	170L MULT CO LIBRARY LOCAL OPT TAX	
171 URBAN RENEWAL PORTLAND	173 URB REN SPECIAL LEVY - PORTLAND	
198 TRI-MET TRANSPORTATION	304 MULTNOMAH CO ESD	
309 PORTLAND COMM COLLEGE	311 PORTLAND SCHOOL DIST #1	

Deed Information

Sale Date	Type	Instrument	Sale Price
06/20/2006	BARGAIN & SALE DEED	2006114463	\$900,000.00
10/04/2002	SPECIAL WARRANTY DEED	2006205486	\$900,000.00
10/03/2002	CONTRACT	2002178387	\$900,000.00
	PERSONAL REP'S DEED	2006018867	\$0.00
	DEATH CERT RECORDED	2002178387	\$0.00

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INST	BP22960298	\$0.00
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Land Information

Type	Acres	SQFT
MULT	1.0400	45,149
ON SITE DEV APTS		0

Improvement Information

Improvement Type MHP	
Improvement Value \$201,510.00	
Room Descriptions	
Building Class	
Actual Year Built 1906	Effective Year Built 1948
Number of Segments 4	Construction Style
Foundation Type	Interior Finish
Roof Style	Roof Cover Type
Flooring Type	Heating/AC Type
Plumbing	Fireplace Type

Improvement Details

#	Segment Type	Class	Total Area
1	Manufactured Home Park		0
2	Laundry Building		500
3	Blacktop		4,000
4	Shed		77
1	Main	3P	1,342
2	Covered Patio	3P	144
3	Unfinished Attic	3P	500
1	Main	2N	304

Tax History

Year	Property Tax	Total Tax
2010	\$9,892.07	\$9,892.07
2009	\$9,893.94	\$9,893.94
2008	\$9,782.20	\$9,782.20
2007	\$9,770.03	\$9,770.03
2006	\$8,781.53	\$8,781.53
2005	\$8,387.21	\$8,387.21
2004	\$9,134.78	\$9,134.78
2003	\$8,932.67	\$8,932.67
2002	\$8,203.44	\$8,203.44
2001	\$7,822.22	\$7,822.22

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2000	\$7,640.04	\$7,640.04
1999	\$7,103.46	\$7,103.46
1998	\$6,992.09	\$6,992.09
1997	\$6,606.45	\$6,606.45

Assessment History

Year	Improvements	Land	Special Mkt/Use	Real Market	Exemptions	Assessed
2010	\$201,510.00	\$425,500.00	\$0.00	\$627,010.00	\$0.00	\$490,020.00
2009	\$203,190.00	\$425,500.00	\$0.00	\$628,690.00	\$0.00	\$475,750.00
2008	\$207,800.00	\$425,500.00	\$0.00	\$633,300.00	\$0.00	\$461,900.00
2007	\$211,730.00	\$425,500.00	\$0.00	\$637,230.00	\$0.00	\$448,450.00
2006	\$203,220.00	\$425,500.00	\$0.00	\$628,720.00	\$0.00	\$435,390.00
2005	\$445,540.00	\$348,250.00	\$0.00	\$793,790.00	\$0.00	\$422,710.00
2004	\$394,290.00	\$308,180.00	\$0.00	\$702,470.00	\$0.00	\$410,400.00
2003	\$394,290.00	\$308,180.00	\$0.00	\$702,470.00	\$0.00	\$398,450.00
2002	\$386,550.00	\$302,140.00	\$0.00	\$688,690.00	\$0.00	\$386,850.00
2001	\$386,550.00	\$302,140.00	\$0.00	\$688,690.00	\$0.00	\$375,590.00
2000	\$342,080.00	\$267,380.00	\$0.00	\$609,460.00	\$0.00	\$364,660.00
1999	\$294,900.00	\$230,500.00	\$0.00	\$525,400.00	\$0.00	\$354,040.00
1998	\$268,100.00	\$209,500.00	\$0.00	\$477,600.00	\$0.00	\$343,730.00
1997	\$230,700.00	\$177,500.00	\$0.00	\$408,200.00	\$0.00	\$333,720.00

City of Portland, Corporate GIS

Assessor Data Updated 1/31/2011

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