

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Jo Ann Hardesty Commissioner **Chris Warner** Director

January 27, 2022

SUMMARY OF OBJECTIONS AND FINDINGS TO COUNCIL

Assess benefited properties for street, sidewalk, stormwater and sanitary sewer improvements in the SE 80th Ave and Mill St Local Improvement District (Hearing; Ordinance; C-10060)

I. SUMMARY

A written objection representing one (1) of the owners of the 25 nonexempt properties in the SE 80th Avenue & Mill Street Local Improvement District was received by the filing deadline registering objections to final assessment of the local improvement district.

II. SPECIFIC RESPONSES TO THE OBJECTION FILED BY PROPERTY OWNER JANICE HOUSER.

An objection was submitted by Janice Houser, owner of the property at 1824 SE 80TH AVE; State ID #1S2E05DA 6100; tax account #R992050770; property ID #R332531; legal description SECTION 05 1S 2E, TL 6100 0.21 ACRES; pending lien record #163118; see Attachment 1.

ISSUES RAISED BY THE OBJECTION

Issue No. 1: My assessment is the second-highest of the private residences and my neighbor [at 1810 SE 80th Avenue] is not obligated pay anything.

Findings:

- a. The assessment methodology is on a square footage basis per the finding of special benefit as established by Council per directive 'd' of Ordinance No. 188786.
- b. This property is an RM2 (Residential Multidwelling 2) zoning with significant development potential. It has the third-highest (not second-highest) square footage of properties in Assessment Zone 'A' whose assessments range from a minimum of \$11,979.70 to \$23,959.55.
- c. The adjacent property at 1810 SE 80th Avenue with pending lien #163100 has the same assessment rate of \$2.40 per assessable square foot as proposed for this property and is not proposed to be exempt from assessment.

Issue No. 2: When I purchased my property, I was told that I would be responsible for the cost of sidewalk and curbing and was told it would potentially run a thousand dollars or so.

Findings:

- a. This property benefits from street improvements in addition to curb, sidewalk and stormwater improvements.
- b. The waiver of remonstrance for this property are attached as Attachment 2 and includes no mention of the future cost of the local improvement.
- c. Each dollar of LID funding leveraged \$1.75 in City of Portland funding and each dollar of LID funding from this property leverages an additional \$177.63 in funding from other property owners and from City of Portland funding. The improvement has been delivered at a significantly reduced cost than if frontage improvements been made at the time that the waivers of remonstrance were tendered for this property in lieu of making these required frontage improvements at that time.

Issue No. 3: I am paying \$500 per foot for sidewalk, over 10 times the most expensive curbing/sidewalk I could price out at 20 times the average price.

Findings:

- a. The scope of the LID included not only curb and sidewalk improvements, but also a full reconstruction of the street with sanitary sewer and stormwater improvements benefiting this property.
- b. Per Finding No. 8 of this Ordinance, the total cost of the improvement was \$3,811,886 and per Finding No. 7 of this Ordinance, 1,740 centerline of improvements were completed at a per centerline foot cost of \$2,190 for a significantly expanded scope of improvements beyond “curbing/sidewalk”.

Issue No. 4: I am on a fixed income and had to replace my fence. I also will need to add concrete, steps and a retaining wall.

Findings:

- a. There was no need to replace the existing picket fence, and the construction plans did not call for this fence to be removed. Removal of the fence was a decision of the property owner but was not necessitated by the project.
- b. The existing driveway provides a paved connection from the newly-constructed sidewalk to provide access to this property.

Issue No. 5: I don't want to be forced to move because of outrageous street improvement costs.

Findings:

- a. The property owner will be eligible to finance her assessment over 5, 10 or 20 years. At an interim interest rate of 520 basis points, it is expected that 20-year financing would correspond to approximately \$148 per month.
- b. It is expected that City Council will approve a companion ordinance authorizing a 5-year deferral for this and other residential properties.
- c. See Finding ‘c’ in response to Issue No. 2.

Issue No. 6: I feel that an adjustment can be made because the City continued the curbing another block or so down the street with no charge to those property owners, and there is a great deal of Federal money available.

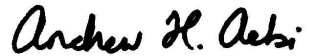
Findings:

- a. The project constructed approximately 65 feet of transition improvements along a portion of SE Stephens Street per Finding No. 9 of Ordinance No. 188786 and was necessary to avoid a drainage problem at the newly-constructed SE 80th Avenue & Stephens Street intersection.
- b. This work was adjacent to 7939 SE Stephens Street with pending lien #163121 and this property is not being exempted from assessment.
- c. This work cost \$13,869.07 which is less than the assessments proposed for both 1824 SE 80th Avenue and 7939 SE Stephens Street.
- d. The 7939 SE Stephens Street property, unlike the 1824 SE 80th Avenue property, still has a future obligation to construct frontage improvements, including sidewalk.
- e. See Finding 'c' in response to Issue No. 2.
- f. The "adjustment" discussed with the property owner prior to the filing of this objection was to compare the difference in the square footage methodology adopted by Council with a linear footage assessment methodology. The square footage assessment methodology assigns the single highest degree of special benefit to property to Bridger Elementary School owned by Portland Public Schools.
- g. A linear footage assessment methodology if adopted by Council would increase the assessment for this property by \$9,389.88 or 43.8% from \$21,459.18 to \$30,849.06. Portland Public Schools' assessment would decrease by \$253,143.18 or 55.4% from \$456,746.95 to \$203,603.77. All other residential properties in Assessment Zone 'A' would have combined assessments increase by \$243,753.50 or 86.3% from \$282,531.61 to \$526,284.91.

III. RECOMMENDATION

It is the recommendation of the Local Improvement District Administrator that the City Council overrule any and all objections and approve the Final Assessment Ordinance for the SE 80th Avenue & Mill Street Local Improvement District.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrew H. Aebi". The signature is written in a cursive, slightly slanted style.

Andrew H. Aebi
Local Improvement District Administrator

RECEIVED

JAN 26 2022

4:00pm

January 24, 2022

To Whom It May Concern,

I am writing to object to the proposed assessment of \$21,459.18 for the 50 feet of sidewalk and curbing installed in front of my home at 1824 SE 80th Ave. Portland.

I attempted to express my objections prior to any construction, but illness interfered with my attempt to testify and it was too late to submit written objections. I have spoken to Mr. Aebi several times during this process, and while I understand how the cost was determined I do not feel it is equitable.

The simplified situation is that the city chose to charge residents based on the square footage of their lots basically so that they could charge PPS for the entire size of the school lot (which had a sidewalk installed along 1 side). Since as a homeowner I also pay for public school this didn't appear to be a benefit.

I am asking that an adjustment be made in my case for the following reasons:

1. The charge to my property address is, I believe, the 2nd highest of the private residences and it has the smallest amount of frontage. (While my neighbor has an identical size lot they are not obligated to pay anything because their improvement was done in exchange for them giving away the front 30 feet of their lot).
2. When I purchased my property in the mid 90's I was REQUIRED to GIVE AWAY the front 30 feet of the lot to the city. I was told at that time that if the city ever decided to improve the street I would be responsible for the cost of a sidewalk and curbing. I was told it would potentially run a thousand dollars or so. I was also told that this was also true for the lot next door when it was sold (however it has changed owners several times without this happening).
3. The cost charged means I am paying approximately \$500 a foot for my sidewalk, over 10 times the most expensive curbing / sidewalk I could price out (which even included guttering). 20 times the average price.
4. I am a retired teacher (over 35 years of service to this community) who has mobility issues and am on a fixed income. Due to the raising of the street bed and sidewalk I've already had to replace my front fencing. (I felt that a picket fence now only slightly over knee high with a 20 to 30 inch drop from the sidewalk edge was a danger to the school children who ride skateboards and bikes down the walk). In addition I will need to add steps / ramp / retaining wall in order to be able to use my front gate, but this has been on hold due to Covid and cost.

5. Any time I brought up concerns I was given a list of “options / benefits” most of which involved me moving. Given the current market and the fact my home is a manufactured home, that’s not a reality. **I don’t want to be forced to move because of outrageous street improvement costs.**
6. Finally, I feel that an adjustment CAN be made as it is my understanding the city continued the “curbing” another block or so down 80th with no charge to those home owners. (They would have to pay something if the city ever decides to put in a sidewalk there, however that is unlikely as the construction didn’t even continue a sidewalk around the corner on the Neighborhood Greenway causing children coming to school to walk a 1/2 block in the street.) I also believe that the Federal government has put a great deal of money into local infrastructure and that could free up some consideration for special circumstances.

In conclusion, I beg you to please consider reducing my assessment. I know there are loan options and deferrals out there but that only delays and increases my obligation. I was told that in projects like these there is always a resident or two that gets the short end of the stick and someone who makes out well. I ask that you please consider making my “stick” not quite so short.

If you have any questions, or think I should be online for the meeting PLEASE contact me. I am currently subbing full time to help with the teacher shortage and to try to make a dent in this bill. It seems priorities are really off, when I would need to substitute everyday for almost an entire school year to pay the city to put 50 feet of sidewalk in front of my house.

Thank you for your consideration, Janice Hauser

A handwritten signature in cursive script that reads "Janice Hauser".

Please do not publish my number but for contact purposes it is XXXXXXXXXX

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PAGE 1 of 2

RECORDING SECTION
MULTNOMAH COUNTY

State of Oregon
County of Multnomah

I hereby certify that the attached
instrument was received and duly
recorded by me in Multnomah County ;
records:

Cindy Swick, Deputy

RECORD D.H.
FEEES - SURVEY _____
D.O.R. _____

PLEASE DO NOT REMOVE; THIS CERTIFICATE IS A PART OF
THE PUBLIC RECORD

47102



STREET WAIVER

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

TAX LOT '77' SECTION 5-1S-2E
YR-AQ '91 BK 2464 / PG 0009

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

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

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

DATED this 10TH day of FEBRUARY, 1994.

DAVID POON David W Poon (SEAL)

JIN PEI WU Jin Pei Wu (SEAL)

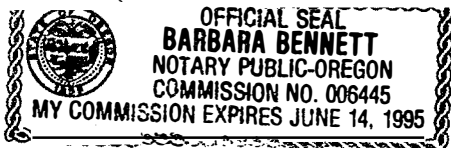
STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

BE IT REMEMBERED, that on this 10th day of February A.D. 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named DAVID POON and Jin Pei Wu

who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they, executed the same freely and voluntarily.

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

Barbara Bennett
Notary Public for Oregon



My Commission Expires 6/14/95

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D.H.

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