



Dean A Harris
Portland, OR
503 251-9421 tel
+1 503 251-9484 fax
www.o-i.com

2007 FEB 21 P 2:51

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

Hand Deliver

Date: February 21, 2007

Proposed LID: NE 92nd Drive Local Improvement District (LID)
Property Owner: Owens-Brockway Glass Container Inc.
Property Affected by Proposed LID: 5850 NE 92nd Ave.
Property Description/Account: Section 16 IN 2E; TL 2900 0.81 Acres Split Levy
R317171 (R94216-0060)

Mr. Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The undersigned property owner objects to the formation of the LID as proposed for the following reasons:

- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the street improvements. While some benefit may be derived to the properties within the LID, e.g., improved corridor safety, the benefits are general in nature rather than a special benefit to the subject property.
- The Property owner reserves the right to raise other objections to the proposed assessment noted above.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

Owens-Brockway Glass Container Inc.

By: Dean Harris 2-21-07
(Signature) (Date)

Dean Harris, Authorized Representative
Portland Plant Manager

Packaging Solutions - Everywhere, Everyday

PO Box 20067 • Portland, OR • 97294

CHRISTOPHER COURNOYER
ATTORNEY-AT-LAW

RECEIVED

2007 FEB 20 P 2: 20

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

February 20, 2007

Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204

Re: NE 92nd Drive Local Improvement District.

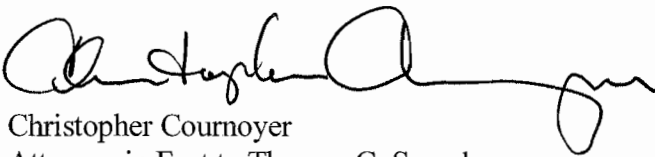
Dear Mr. Blackmer;

I am writing on behalf of property owner Thomas G. Saunders regarding the above mentioned LID proposal and the concomitant assessment your office suggests as appropriate for Mr. Saunders, as owner of real property at 9331 NE Colfax.

Please find enclosed the property owner's Remonstrance under Portland City Code Section 17.08.070. You will also find attached a certified true copy of my Durable Power of Attorney allowing me to act on Mr. Saunders' behalf.

I intend to appear at the scheduled hearing on this matter on February 28, 2007. Thank you for acknowledging the property owner's objection to your proposed assessment.

Sincerely;



Christopher Cournoyer
Attorney in Fact to Thomas G. Saunders

REMONSTRANCE

Dated: February 20, 2007

Proposed LID: NE 92nd Drive Local Improvement District (LID)

Property Owner: Thomas G. Saunders by and through Attorney Christopher G. Cournoyer

Property Affected by Proposed LID: 9331 NE Colfax Street, Portland, Oregon 97220

Property Description/Account: NE 92nd Drive Ind. Park: EXC PT in Slough Lot 2 Block 1
Map 161N2E

TO: Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

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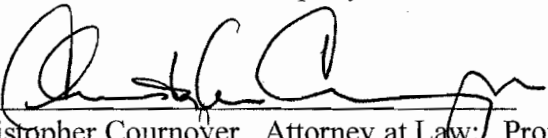
- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the street improvements. While some benefit may be derived to the properties within the LID, e.g., improved corridor safety, the benefits are general in nature rather than a special benefit to the subject property. It is conceivable that the improvements contemplated shall actually inure to the detriment of property at the above referenced address as the "improvements" will cause increased use of a currently unused bridge-way, increasing traffic on 92nd and thereby impeding customary use of 92nd street access to Colfax Street.
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree as

properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, and 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses.
- There is no doubt that the benefit of the 92nd Ave. bridge-way improvement contemplated will serve only to enhance traffic access to "big box stores" currently under build to the North of the slough and access to land currently undeveloped but likely to be developed in the same North slough area. To assess development costs against existing property owners who do not require access to these "big box stores" or undeveloped land is patently unfair and constitutes a taking.
- The Property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

By: 
Thomas G. Saunders Property Owner February 20, 2007

By: 
Christopher Cournoyer, Attorney at Law: February 20, 2007
Property Owner's Authorized Representative

Certified True
Copy
[Signature]

DURABLE GENERAL POWER OF ATTORNEY
EFFECTIVE DATE JULY 14, 2006

KNOW ALL MEN BY THESE PRESENTS, That I, **Thomas G. Saunders**, have made, constituted and appointed, and by these presents do hereby make, constitute and appoint **Christopher G. Cournoyer** my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to demand, sue for, recover, collect and receive all such sums of money, debts, rents, dues, accounts, legacies, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to me, to have, use and take all lawful ways and means in my name or otherwise to recovery thereof, and to compromise, settle and adjust and to execute and deliver acquittances or other sufficient discharges for any of the same; to bargain, contract for, purchase, receive and take lands, tenements, hereditaments, and accept the seisin and possession thereof and all deeds and other assurances in the law therefore and to lease, let, demise, bargain, sell, remit, release, convey, mortgage and hypothecate lands, tenements and hereditaments, including my right of homestead in any of the same for such price, upon such terms and conditions and with such covenants as my attorney shall think fit; to sell, tender, and deliver all or any shares of stock owned by me in any corporation for any price and receive payment therefore and to vote any such stock as my proxy; to bargain for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and in other property in possession or in action, and to make, do and transact all and every kind of business of whatever nature or kind; for me and in my name and as my act and deed, to sign seal, execute, acknowledge and deliver all deeds, covenants, indentures, agreements, trust agreements, mortgages, pledges, hypothecations, bills of lading, bills, bonds, notes, evidence of debt, receipts, releases and satisfactions of mortgages, judgments and other debts payable to mean and other instruments in writing of whatever kind and nature which my attorney in his absolute discretion shall deem to be for my best interest, to have access to any safety deposit box which has been rented in my name, or in the name of myself and any other person; to sell discount, endorse, deliver and/or deposit all checks drafts, notes and negotiable instruments payable to my order, to withdraw any moneys deposited in my name with any bank, by check or otherwise, and generally to do any business with any bank or banker on my behalf; to complete, sign, and deliver any tax return or form and pay taxes thereon or collect refunds there-from.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my attorney or my attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

This power shall take effect on the date written below.
July 14, 2006.

DURABLE POWER OF ATTORNEY FOR THOMAS G. SAUNDERS: PAGE 2.

My attorney and all persons unto whom these presents shall come may assume that this power of attorney has not been revoked until given notice either of such revocation or my death.

In construing this instrument, and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, I have hereunto set my hand on July 14 2006

Thomas G. Saunders
Thomas G. Saunders

STATE OF OREGON, County of Multnomah

This instrument was acknowledged before me on

July 14 2006

Lori A. Embler
Notary Public for Oregon

My commission expires NOV 15, 2009



POWER OF ATTORNEY

Thomas G. Saunders
400 NE 62nd Avenue
Portland, Oregon 97213

STATE OF OREGON] *Space reserved for recorder's use*
County of _____] ss.

I certify that the within instrument was received for
Record on the _____ day of _____, 20____, at
_____ o'clock, _____ m., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____. Record of _____ of said
County.

Witness my hand and seal of County affixed.

name title
By _____, Deputy

RECEIVED

REMONSTRANCE

2007 FEB 20 P 7.49

Dated: 2/20/07

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, ORProposed LID: NE 92nd Drive Local Improvement District (LID)BY: 

Property Owner: Medard Cronin

Property Affected by Proposed LID: ~~9400 NE COLFAX ST~~Property Description/Account: NE 92ND DRIVE IND PARK; TL 1800 LOT 2&3 BLOCK 2 /
~~R614700960~~TO: Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

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- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree as properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.
- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the

proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, and 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses.

- The Property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

Medard Cronin

By: _____

(Signature)

(Date)

John Hoglund; President Aero Kraft North LLC , Authorized Representative



CITY OF

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Gary Blackmer, City Auditor

Assessments, Finance &
Foreclosure Division
1221 SW 4th Ave., Room 130
Portland, OR 97204-1905

HEARING NOTICE AND COST ESTIMATE

To: CRONIN, MEDARD TR
2 POSSUM RIDGE RD
ROLLING HILLS CA 90274

Date: 02/07/2007
Account No. 141613
Project No. C10020
Tax Acct. No. R614700960

PROJECT: NE 92ND DRIVE STREET LID
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER
IMPROVEMENTS
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address: 9400 NE COLFAX ST
Legal Description: NE 92ND DRIVE IND PARK; TL 1800 LOT 2&3 BLOCK
2
Estimated Assessment: \$20,023.15

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4th Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.


John Hoglund has authority to act as my agent
and sign and deliver a written remonstrance against
this L.I.D. *Medard Cronin*
Medard Cronin, Owner

RECEIVED

REMONSTRANCE

2007 FEB 20 P 12:49

Dated: 2/20/07

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, ORProposed LID: NE 92nd Drive Local Improvement District (LID)BY 

Property Owner: Medard Cronin

Property Affected by Proposed LID: ~~9450 NE COLFAX ST~~Property Description/Account: NE 92ND DRIVE IND PARK; LOT 4 BLOCK 2 / ~~R614700990~~

TO: Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

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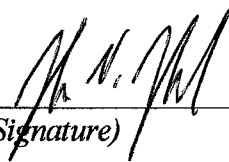
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- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree as properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.
- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a

special benefit to the properties within the District, and 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses.

- The Property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

Medard Cronin

By:  2/20/07
(Signature) (Date)

John Hoglund; President Aero Kraft North LLC , Authorized Representative

Feb 20 07 12:48p

AERO KRAFT NORTH

(503) 408-8145

p. 1



CITY OF

Gary Blackmer, City Auditor

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Assessments, Finance &
Foreclosure Division
1221 SW 4th Ave., Room 130
Portland, OR 97204-1905**HEARING NOTICE AND COST ESTIMATE**To: CRONIN, MEDARD TR
ATTN: CRONIN, DARTY
2 POSSUM RIDGE RD
ROLLING HILLS CA 90274Date: 02/07/2007
Account No. 141614
Project No. C10020
Tax Acct. No. R614700990PROJECT: NE 92ND DRIVE STREET LID
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER
IMPROVEMENTS
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address: 9450 NE COLFAX ST
Legal Description: NE 92ND DRIVE IND PARK; LOT 4 BLOCK 2
Estimated Assessment: \$18,845.31

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4th Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.

John Hoglund has authority to act as my agent
and sign and deliver a written remonstrance
against this L.I.D.

Medard Cronin
Medard Cronin, Owner

REMONSTRANCE

RECEIVED

2007 FEB 22 A 11: 33

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

Dated: February 20, 2007

Proposed LID: NE 92nd Drive Local Improvement District (LID)

Property Owner: International Paper Company, 6400 Poplar Ave., Memphis, TN 38197

Property Affected by Proposed LID: 9103 / 9111 NE Columbia Blvd, Portland, OR

Property Description/Account: Section 16 1N 2E; TL 900, 12.50 Acres; Tax Account R942160750

TO: Gary Blackmer
 City of Portland Auditor
 1221 SW 4th Ave, Room 140
 Portland, OR 97204

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
 Resolution for Formation of District Scheduled for February 28, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, the undersigned owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The undersigned property owner objects to the formation of the LID as proposed for the following reasons:

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- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree as properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.
- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a

special benefit to the properties within the District, 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses; and 3) the allocation of costs between the north and south portions of the proposed LID is an unreasonable allocation of costs. The Property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

- The property proposed to be assessed and owned by International Paper will not be increased in value. Furthermore, the proposed assessment is likely to reduce the value of the property.

(SIGNATURE APPEARS ON NEXT PAGE)

The undersigned remonstrates against formation of this LID for the reasons stated above.
Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

INTERNATIONAL PAPER COMPANY

By: Arthur J. Douville 2/19/2007
(Signature) (Date)

Name: Arthur J. Douville
Title: Vice President



Davis Wright Tremain LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

DEAN M. PHILLIPS
Direct (503) 778-5284
deanphillips@dwt.com

SUITE 2300
1300 SW FIFTH AVENUE
PORTLAND, OR 97201-5630

TEL (503) 241-2300
FAX (503) 778-5299
www.dwt.com

February 21, 2007

MESSENGER DELIVERED

Gary Blackmer
City of Portland Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204

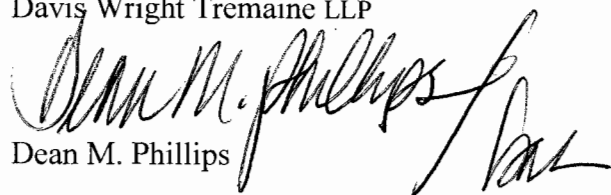
Re: 9103/9111 NE Columbia Blvd. Portland, OR

Dear Mr. Blackmer:

Enclosed please find a Remonstrance filed on behalf of International Paper relating to the above-referenced property.

Very truly yours,

Davis Wright Tremain LLP


Dean M. Phillips

DMP:bas
Enclosure

REMONSTRANCE

RECEIVED

Date: February 20, 2007**Proposed LID:** NE 92nd Drive Local Improvement District (LID)**Property Owner:** Gulsons LLC**Property Affected by Proposed LID:** 6136 NE 87th Avenue, Portland, OR**Property Description/Account:** API Industrial Park; TL900 Block 4
Tax Account #R000201680**To:** Gary Blackmer
City of Portland Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204**Re:** **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

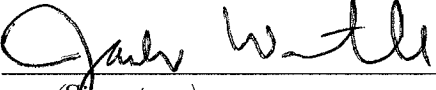
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- Our property will have no direct benefit from this LID. The occupants of this facility are able to use existing roadways that are never congested for ingress and egress to the building.
- The property owner reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements that benefit the Port of Portland.

Gulsons LLC

By:  2/20/17
(Signature) (Date)

Manager, Authorized Representative
(Title if applicable)

REMONSTRANCE

RECEIVED

2007 FEB 22 A 11 33

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

Dated: February 21, 2007]

Proposed LID: NE 92nd Drive Local Improvement District (LID)

Property Owner: The Realty Associates Fund VI, LLC

Property Affected by Proposed LID: 6105-6113 NE 92nd Ave., 6031-6035 NE 92nd Ave., 6221-6231 NE 92nd Ave., 8933 NE Marx Dr., 8911 NE Marx Dr., 8727 NE Marx Dr., Portland, Oregon 97220]

Property Description/Account: Property Tax Account Numbers: R317190, R317201, R317204, R317205, R317183, R317184, R317196, R317202, R100146

TO: Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 140
Portland, OR 97204

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Resolution for Formation of District Scheduled for February 28, 2007

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- The proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. The boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree as properties within the proposed District. We believe that the City's selection of the specific boundaries for this LID is underestimated and that the area should be larger.
- The current improvements to NE Columbia Blvd/Way are underway and not yet complete. It is believed that any existing congestion will be relieved by this improvement. We feel

that this enormous improvement should be completed before talk of another improvement (above described LID) in the area is raised.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn and expanded to more accurately reflect the more general benefit derived from the proposed improvements.

The Realty Associates Fund VI, LLC

By:  2/21/07
(Signature) (Date)

Cini K. Apostol, RPA, CPM
GVA Kidder Mathews
Agent for Owner

RECEIVED

February 20, 2007

City of Portland, Oregon
Office of City Auditor

2007 FEB 22 A 11: 33

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

Re:

BY: _____

NE 92nd Dr. Street Lid.
Construct Street, Bridge, Pedestrian and Storm Water Improvements on 92nd
Drive from the Columbia Slough to NE Alderwood Road.

This is to formally object to the assessment estimated at \$56,064.81 as unfair, excessive, and unduly burdensome, as the proposed bridge would create massively increased traffic hardships and would create an unfair cost to us which would result in no return, other than the aforementioned increased traffic burden. Please note that the vast majority of trips made on the proposed bridge would come from outside traffic passing through, and NOT to or from our property, for which current access is quite adequate.

Please cease the planning and assessments connected with this project now.

Thank you for your consideration.

Sincerely,



Gary Spector, President
Spector-Wilson Properties, Inc.
6215 NE 92nd Dr.
Portland, OR 97220

ACME STORAGE, INC.
10025 NE Simpson
Portland OR 97220

RECEIVED

2007 FEB 22 A 11: 34

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

February 20, 2007

Mr. Gary Blackmer
City of Portland Auditor
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204

RE: Opposing Assessment for Proposed LID at NE 92nd Drive

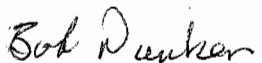
To Mr. Blackmer,

I would like to go on record as being opposed to the assessment for the proposed LID at NE 92nd Drive.

We feel this assessment will in no way benefit our company. Furthermore, we feel that there are much better ways the assessment could be spent in which we would benefit.

Please feel free to contact me at (503) 255-2998 if you have any questions.

Best regards,


Bob Dunken
ACME Storage, Inc.



REMONSTRANCE

RECEIVED

February 20, 2007

RE: Proposed LID: NE 92nd Drive Local Improvement District (LID)

Property Owner: Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC, successor-in-interest to Holsum Foods and A.E. Staley Manufacturing Co. with regard to the referenced Property Affected.)

2007 FEB 22 A 11: 34

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

BY _____

Property Affected
by Proposed LID: 9000 NE Marx Dr. and 9044 NE Marx Dr.

Property Description
/Account: AP Industrial Park; TL 1100 Block 4; Land & Imps (141592)
AP Industrial Park; TL 300 Block 4; Land & Imps (141589)
AP Industrial Park; TL 200 Block 4; (141591)

TO: Gary Blackmer
City of Portland Auditor
1221 SW 4th Ave, Room 130
Portland, OR 97204-1905

Re: **Remonstrance pursuant to Portland City Code Section 17.08.070**
Resolution for Formation of District Scheduled for February 28, 2007

Pursuant to Portland City Code ("PCC") 17.08.070, Ventura Foods, LLC, the owner of the property affected by the above-described proposed Local Improvement District (the "LID") hereby remonstrates against the formation of the proposed LID. The Ventura Foods, LLC objects to the formation of the LID as proposed for the following reasons:

- The subject property in the proposed LID will not be specially benefited by the proposed capital improvement as required by law. The subject capital improvements of street, bridge, pedestrian and storm water improvements only provide a general benefit to the area. Corridor safety has been identified as part of the justification for the street improvements. While some benefit may be derived to the properties within the LID, e.g., improved corridor safety, the benefits are general in nature rather than a special benefit to the subject property.
- Alternatively, the proposed capital improvements of street, bridge, pedestrian and storm water will benefit a much larger area than is currently drawn for the proposed LID. Even a cursory inspection of the boundaries drawn for the LID show that to the extent there is any benefit, properties outside the boundaries will benefit to the same degree, if not more,

than those properties within the proposed District. The City's selection of the specific boundaries for this LID was arbitrary and not based on evidence of specific benefit.

- The City's trip volume methodology is fundamentally flawed for a number of reasons, among which are: 1) the methodology does not result in a reasonable apportionment of the proposed assessment, 2) there is no evidence showing that the methodology is based on a special benefit to the properties within the District, and 3) the trip volume compares floor to area ratio (FAR) as projected on undeveloped parcels which is an unreasonable allocation of any benefit that will be received once parcels are developed to highest and best uses.
- Communication of the proposed assessments for the project have been inconsistent and confused, making it difficult for owners of affected property to determine the likely financial impact of the project (see enclosed notices – one indicating \$0 assessment and another indicating an estimated assessment of \$88,808.54 for the same property).
- Ventura Foods, LLC reserves the right to raise other objections to the assessment methodology, all of which will demonstrate the allocation method is unreasonable.

Ventura Foods, LLC objects to the hearing on this matter scheduled for February 28, 2007 on the grounds that adequate notice and opportunity to remonstrate has not been given to affected property owners. Ventura requests that the hearing be re-noticed and scheduled for a date following adequate notice.

The undersigned remonstrates against formation of this LID for the reasons stated above. Alternatively, the LID boundaries should be re-drawn to more accurately reflect the more general benefit derived from the proposed improvements.

Ventura Foods, LLC (formerly known as Wilsey-Holsum Foods, LLC)

By: 
Daniel J. McCarrel
Vice President & Associate General Counsel

Enclosures

Please address all future notices to:

*Daniel J. McCarrel
Legal Department
Ventura Foods, LLC
40 Pointe Dr.
Brea, CA 92821*

DECLARATION

I, Daniel J. McCarrel, hereby declare:

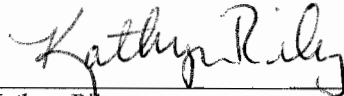
1. That I am a full-time employee of Ventura Foods, LLC, 40 Pointe Drive,
Brea, California 92821.
2. That I am employed in the position of Vice President and Associate General
Counsel of Ventura Foods, LLC.
3. That I am authorized to represent Ventura Foods, LLC in all legal matters.
4. That I am a licensed attorney in good standing with the California State Bar,
License No. 136997.
5. That I have been specifically requested by the Management of Ventura Foods,
LLC to represent the Company in the filing of a remonstrance regarding the
proposed NE 92nd Drive Local Improvement District (LID).


Daniel J. McCarrel

State of California)
)
County of Orange)

On Feb. 20, 2007, before me, Kathryn Riley, a Notary Public, personally appeared
DANIEL J. MCCARREL, personally known to me, or proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed
the same in his authorized capacity and that by his signature on the instrument the person or entity upon behalf of which
the person acted, executed the instrument.

Witness my hand and official seal.


Kathryn Riley
Notary Public

(seal)





CITY OF

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Gary Blackmer, City Auditor

Assessments, Finance &
Foreclosure Division
1221 SW 4th Ave, Room 130
Portland, OR 97204-1905

HEARING NOTICE AND COST ESTIMATE

To: VENTURA FOODS LLC
P O BOX 3636
CITY OF INDUSTRY CA 91744

Date: 02/07/2007
Account No. 141591
Project No. C10020
Tax Acct. No. R000201630

PROJECT: NE 92ND DRIVE STREET LID
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER
IMPROVEMENTS
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address: 9044 NE MARX DR
Legal Description: A P INDUSTRIAL PARK; TL 200 BLOCK 4
Estimated Assessment: \$18,138.61

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4th Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.



CITY OF

Gary Blackmer, City Auditor

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Assessments, Finance &

Foreclosure Division

1221 SW 4th Ave., Room 130

Portland, OR 97204-1905

HEARING NOTICE AND COST ESTIMATE

To: WILSEY-HOLSUM FOODS L L C
% VENTURA FOODS L L C
ATTN BAVILLE, THOMAS
40 POINTE DR
BREA CA 92821

Date: 02/07/2007
Account No. 141592
Project No. C10020
Tax Acct. No. R000201640

PROJECT: NE 92ND DRIVE STREET LID
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER
IMPROVEMENTS
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address:	9000 NE MARX DR
Legal Description:	A P INDUSTRIAL PARK; TL 1100 BLOCK 4; LAND & IMPS
Estimated Assessment:	\$88,808.54

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4th Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.



CITY OF

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Gary Blackmer, City Auditor

Assessments, Finance &

Foreclosure Division

1221 SW 4th Ave., Room 130

Portland, OR 97204-1905

HEARING NOTICE AND COST ESTIMATE

To: A E STALEY MANUFACTURING CO
% HOLSUM FOODS
14840 E DON JULIAN RD
CITY OF INDUSTRY CA 91746

Date: 02/07/2007
Account No. 141589
Project No. C10020
Tax Acct. No. R000201610

PROJECT: NE 92ND DRIVE STREET LID
CONSTRUCT STREET, BRIDGE, PEDESTRIAN AND STORM WATER
IMPROVEMENTS
ON NE 92ND DRIVE FROM THE COLUMBIA SLOUGH TO NE ALDERWOOD ROAD

The City Council has authorized initiation of local improvement formation proceedings for the project described above. All benefited property will be included in the LID, the total cost of which is estimated to be \$3,233,571.01. See the enclosed insert for an LID map and assessment methodology description. The estimated cost to the following property is:

Property address:	9000 NE MARX DR
Legal Description:	A P INDUSTRIAL PARK; TL 300 BLOCK 4
Estimated Assessment:	\$ 0.00

A public hearing will be held in the Council Chambers, City Hall, 1221 SW 4th Avenue, Portland, Oregon, beginning at 9:30 AM on 2/28/2007. This proposal could be modified as a result of the testimony at the LID Formation Hearing. Property owners may attend the hearing to have an opportunity to testify on proposed changes.

Owners of property in the LID as shown on Multnomah County tax records may file a written remonstrance against the proposed improvement which states the reasons for the objection. Any person acting as agent or Attorney with power to act in signing the remonstrance shall, in addition to describing the property affected, file with the remonstrance a copy in writing of the authority to represent the owner or owners of property. Remonstrances must be received by the Office of City Auditor by 5:00 PM on 2/21/2007 and should be sent via first-class mail or delivered in person.

If you have any questions about the project, please call the LID Administrator at (503) 823-5648.