

EXHIBIT 1

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

In the Matter of the Reassessment of Benefits
in MULTNOMAH COUNTY DRAINAGE
DISTRICT NO. 1

**PETITION TO APPOINT
COMMISSIONERS FOR
REASSESSMENT OF BENEFITS**

The undersigned petitioners hereby request that proceedings be taken for the reassessment of benefits for Multnomah County Drainage District No. 1 ("District"), and in furtherance thereof do hereby join in this petition.

1. This petition is for reassessment of benefits in the District, and is filed pursuant to ORS 547.245.

2. As required by ORS 547.245, the undersigned petitioners represent at least one-tenth of the owners of the lands within the District, or the owners of at least one-tenth of the lands within the District.

3. The undersigned petitioners set forth that, for the reasons described in the Resolution of the District's Board of Supervisors, which is attached hereto as Exhibit A and incorporated herein by reference, the current assessments of benefits are inequitable and unjust, and a reassessment of such benefits is necessary to ensure accurate and equitable distribution of costs for such benefits.

4. As provided by ORS 547.235, more than five years having expired from the confirmation of the original report of benefits, and since the first Reassessment of Benefits in 1989, and pursuant to ORS 547.245, this petition requests the County Commissioners to appoint a board of three commissioners who are not landowners within the District, nor kin within the

fourth degree of consanguinity of any person owning land within the District, to reassess the
benefits in the District and report the reassessment to the County Commissioners. The secretary
of the District's Board of Supervisors shall be an *ex officio* member of such board of
commissioners, pursuant to ORS 547.220.

WHEREFORE, pursuant to ORS 547.245, the petitioners pray for the following:

1. An order appointing qualified persons as this Board may designate as
commissioners, and convening the same and directing them to examine the previous report of the
commissioners in the light of this petition and of all relevant facts, and prepare an amended and
supplemental report as may be warranted by the law and the facts; and

2. Pursuant to relevant portions of ORS Chapter 547, upon filing of the
commissioners' report, that the County Commissioners cause notice of hearing upon such report
to be published; conduct such hearing and receive exceptions timely filed by any interested
person; and, upon hearing the same, approve the report or direct how it shall be modified and,
when so modified or approved, confirm such report by decree; and

3. That the County Commissioners grant any other relief which this court may deem
appropriate.

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1 Dated this 29th day of August, 2003.

2 **PRINT LANDOWNER NAME AND ADDRESS**

3 WARREN LIMITED PARTNERSHIP II
4 INTERSTATE CROSS ROADS
5 LOTS 8, 9, 10
6 No. of acres owned: 28.13

7 WARREN FAMILY PROPERTIES LLC
8 INTERSTATE CROSSROADS LOTS 21, 22, 23
9 No. of acres owned: 6.3

10 Cooper Tractor & Equipment
11 4545 NE 148th AVE
12 Portland, OR 97230
13 No. of acres owned: 2.6

14 Owens-Brockway Glass Container Inc
15 9710 NE GLASS PLANT RD Portland 97220
16 No. of acres owned: 43.05

17 Port of Portland
18 121 NW Everett
19 No. of acres owned: 3,310.5

20 The Hatton Company
21 4421 NE Columbia Blvd
22 No. of acres owned: ~32 Portland 97218

23
24
25
No. of acres owned:

**SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE**

[Signature]
Its: Genl Mgr

[Signature]
Its: Manager

[Signature]
Its: President

[Signature]
Its: Plant Engineer

[Signature]
Its: Executive Director

[Signature]
Its: Vice President

Its: _____

1 Dated this 29th day of August, 2003.

2 **PRINT LANDOWNER NAME AND ADDRESS**

**SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE**

3 Port of Portland
 4 121 NW Everett, Portland OR
 5 No. of acres owned: 3,310.5 97209

Port of Portland Commissioner
 Its: James C. McLeser

6 _____
 7 _____
 8 No. of acres owned: _____

Its: _____

9 _____
 10 _____
 11 No. of acres owned: _____

Its: _____

12 _____
 13 _____
 14 No. of acres owned: _____

Its: _____

15 _____
 16 _____
 17 No. of acres owned: _____

Its: _____

18 _____
 19 _____
 20 No. of acres owned: _____

Its: _____

21 _____
 22 _____
 23 No. of acres owned: _____

Its: _____

Exhibit A

MULTNOMAH COUNTY DRAINAGE DISTRICT #1 RESOLUTION NO. #03-4

A RESOLUTION AUTHORIZING A REASSESSMENT OF BENEFITS

WHEREAS, after an independent review done at the request of the Multnomah County Drainage District No. 1 ("District"), the Board of Supervisors ("Board") has determined that current assessment models are inconsistent with the assessment methodology adopted in the *Report of Reassessment* dated June 26, 1989 which is now in effect, resulting in possibly inaccurate or inconsistently applied assessments; and

WHEREAS, the Board has further determined that certain methodologies in the adopted *Report of Reassessment* are outdated or impracticable, and therefore need to be revised; and

WHEREAS, ORS 547.245 provides that, at any time after the expiration of five years from the confirmation of the original assessment report as provided by ORS 547.235, a petition signed by at least one-tenth of the owners of the lands within the drainage district or the owners of at least one-tenth of the lands within such district may be filed with the county clerk, setting forth that the original assessments or benefits are inequitable and unjust, and requesting the county court to appoint three commissioners as provided by ORS 547.215 to reassess the benefits of the district; now, therefore,

BE IT RESOLVED:

- 1) That the Board authorizes the initiation of the process for conducting a reassessment of benefits pursuant to ORS 547.245.
- 2) That the Board authorizes District staff to take all necessary steps to facilitate the reassessment process, including coordinating with legal counsel as needed.
- 3) That pursuant to ORS 547.220, the Secretary of the Board, as an *ex officio* member of the board of commissioners to be appointed by the County court, shall provide any required assistance and information required by such commissioners to complete the reassessment.

Approval of this Resolution moved by Nelson, seconded by Cooper.

Adopted by the Board of Supervisors of the Multnomah County Drainage District No. 1 on this 4th day of August, 2003, by the following vote:

Ayes: - 3 - Nays: - 0 -

ATTEST:



President



Secretary

Exhibit B

**Multnomah County Drainage District #1
Petition to Appoint Commissioners for Reassessment of Benefits
Dated this 29th day of August, 2003**

Proposed Commissioners:

Dan Vizzini; 3830 Verte CT, Lake Oswego, OR 97034

David Crawford; 3120 NE US Grant Place, Portland, OR 97212

Don Oakley; 4490 SE Oregon Trial Drive, Clackamas, OR 97015

Dan Vizzini is a utility rate financial analyst with the City of Portland, Bureau of Environmental Services. Mr. Vizzini is proposed to be the chair of the commission.

David Crawford, PE, is a registered civil engineer, specializing in storm water management computer modeling.

Don Oakley, is a registered engineer, who was the lead consultant for the 1989 assessment methodology change in Multnomah County Drainage District No. 1.

The petitioners represent that Messrs. Vizzini, Crawford and Oakley meet the requirements of ORS 547.215.