

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

FILED
CIRCUIT COURT
2022 JAN 24 PM 3:53

Case No. 21CV41823

DRAFT
MOTION TO OBJECT

to the validity of the Panoramic
Access Special Road District on the Regularity and
Legality of Resolutions 2021-1 and 2021-2

IN THE MATTER OF THE PETITION
of the Panoramic Access Special Road District

Petitioner,

for a Judicial Examination and Judgement as to the
Regularity and Legality of Resolutions 2021-1

We, Doug and Shiela Gannon, are making this motion pro se and hereby object to the validity of the Panoramic Access Special Road District petition for Judicial Validation on the Regularity and Legality of Resolutions 2021-1 and 2021-1. We would like to ask the Court not to validate the Resolutions 2021-1 and 2021-2 and would like an opportunity to provide facts to the court.

2. We object to Petitioners Paragraph 8. It directly contradicts the Deschutes County Guidebook Exhibit A, page 23, that states "Paved and improved roads are more expensive to maintain than gravel roads in the long term". Paragraph 8 states the improvements would be \$795,000.00 however, per the Engineers report, Exhibit B, dated February 14, 2020, performed by H.A. McCoy it states Otta Seal would be estimated at \$1,155,046.00 there is no reasonable reason to believe the estimate would be lower in 2022. Also, paragraph 8 states yearly maintenance would be minimal but has provided no dollar amount or proof that tax revenue would be enough to maintain a hard surface long term.

3. We object to petitioners Paragraph 9. Deschutes County offers an option to form a Local Improvement District that is financed by special assessment against benefitted properties. Exhibit C, this option requires a petition requesting improvements be signed by 25% of landowners, it requires a feasibility study, and it requires approval of at least 60% of landowners. The district did not form an LID stating it was too expensive. Instead, they did a poll to gauge interest in an improvement in which only 70 of 143 landowners supported investigating an improvement. The District did not ask for support for an equal per lot assessment nor did they take a vote of the electors for such an assessment. Properties within the district are not equally benefitted. Homeowners with higher valued homes benefit disproportionately more than home owners with lower valued homes for an improved road versus a gravel road.

4. We object to Petitioners paragraph 10. Per Exhibit B the project cannot be completed for \$795,000.00. The Assessment affects the lives of a significant number of persons within the boundaries of the District. It also imposes a significant financial burden on a number of homeowners within the District.

5. We object to Petitioners paragraph 12. Resolution 2021-1 is incorrect because the estimated cost is greater than stated per Exhibit B.

6. We object to Petitioners paragraph 13. The Board did not hold a formal vote on the assessment bond anticipation note.

7. We object to Petitioners paragraph 14. The Board did not hold a formal vote on the issuance of assessment bonds.

8. We object to Petitioners paragraph 15. Resolution 2021-2 states that the assessment bond anticipation note may not exceed the cost of the project. The project will cost more than \$795,000.00 per Exhibit B.

9. We object to paragraph 16. The Board did not hold a vote in accordance with ORS 255.085.

10. We object to paragraph 17. Resolution 2021-2 states "The interim financing provided pursuant to this Authority 1) may not exceed the estimated cost of the project. Again, Exhibit B shows a 2020 estimate will be above \$795,000.00.

Wherefore we ask that:

1. The Court enter a judgement declaring Resolution 2021-1 not valid.
2. The Court enter a judgement that the Petitioner lacks the Authority to make an expenditure of \$795,000.00.
3. The Court enter a judgement that the Petitioner lacks the Authority to assess each lot \$5,656.73.
4. The Court enter a judgement declaring Resolution 2021-2 not valid.
5. The Court enter a judgement that the Petitioner lacks the Authority to issue and sell the Note and Bonds for the purpose of financing the road improvements.
6. The Court enter a judgement declaring that the Petitioner lacks the authority to enter into contracts to complete the road improvements.

We swear the information contained above is correct and true to the best of our knowledge and belief.

Doug Gannon

Shiela Gannon

69505 Pine Ridge Drive

Sisters Oregon 97759

541-815-1290

shigannon@q.com

STATE OF OREGON

COUNTY OF DESCHUTES

SUBSCRIBED AND SWORN TO BEFORE

ME, on the 21st day of January,
2022

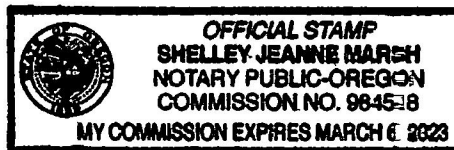
Signature

Shelley Jeanne Marsh (Seal)

NOTARY PUBLIC

My Commission expires:

03-06-23



(Signature)

Doug and Shiela Gannon

Doug Gannon
Shiela Gannon

We swear that we have hand delivered a true and correct copy of this document to

Karnopp Petersen LLP Attorneys for the Petitioner

360 SW Bond Street STE 400

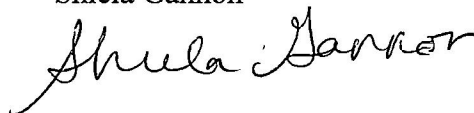
Bend Oregon 97702

541-382-3011

Doug Gannon

A handwritten signature in black ink, appearing to read "Doug Gannon", written over a horizontal line.

Shiela Gannon

A handwritten signature in black ink, appearing to read "Shiela Gannon", written below the name.