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October 1, 2025

Via Email Only

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Miles Pengilly – Director of Government Affairs – pengillm@trimet.org

Re: 82nd Avenue Transit Project – Route and Lane Design
Peterson Crossing, LLC / Property Located at 8136 SE Foster Road

To TriMet Team:

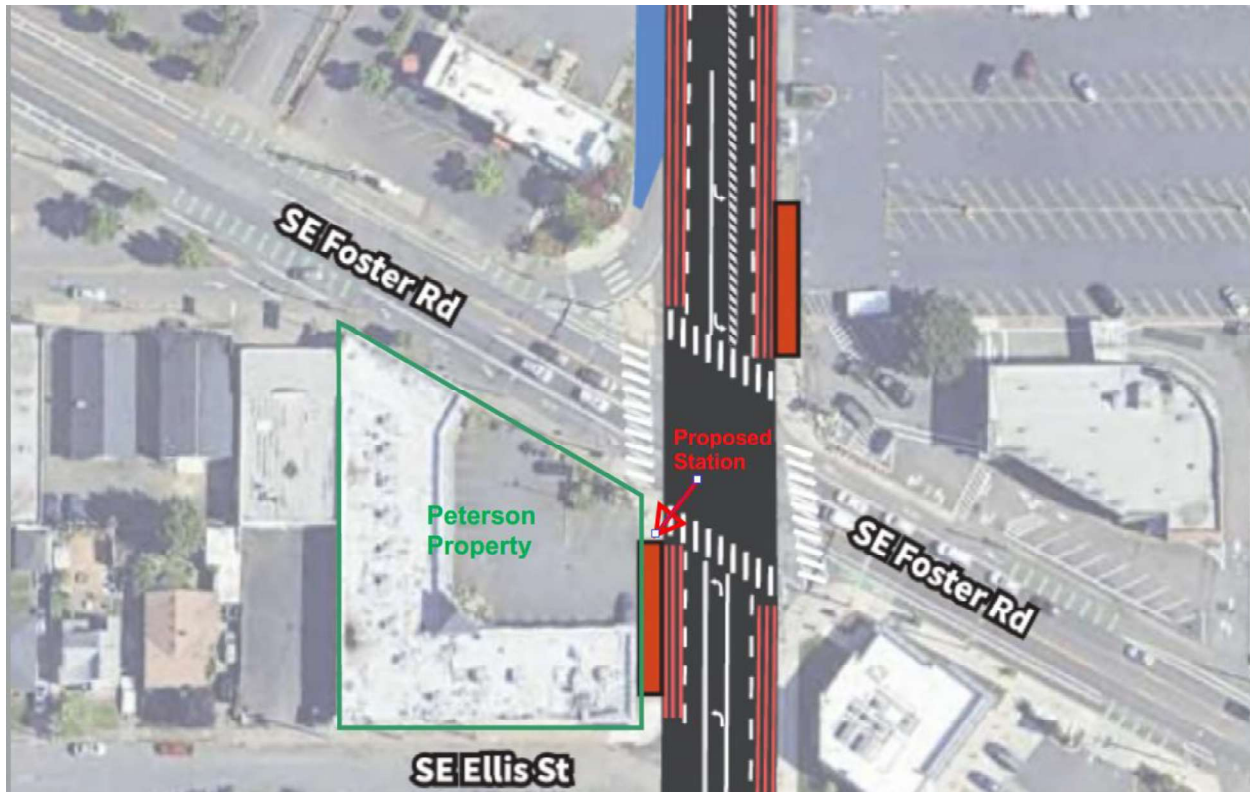
Our office represents Peterson Crossing, LLC (“Peterson”) which owns the real property located at 8136 SE Foster Road, Portland Oregon, on the corner of SE Foster Road and SE 82nd Avenue (the “Peterson Property”). We write to request immediate action by TriMet, with the hope that litigation and/or other negative impacts may be avoided.

As you know, our client met Ms. Oppenheim last week, and Ms. Oppenheim explained to Peterson that TriMet is planning a project that will completely take away Peterson’s critical driveway access to SE 82nd Avenue (the “82nd Access”). Peterson *cannot* lose that access.

For those not familiar with the Peterson Property, or to refresh your recollection, please see the image after this paragraph, in which: (a) the Peterson Property is roughly outlined in green; and (b) a solid red block indicates a transit station platform that TriMet proposes to potentially construct immediately over the 82nd Access (the “Proposed Station”).



TriMet
October 1, 2025
Page 2



The Peterson Property is a shopping center that is occupied by several local businesses. Those businesses rely on the 82nd Access, and Peterson relies on its tenants' success. If the 82nd Access is taken, then the tenants and Peterson will suffer significant impacts and damages. Tenants have indicated that their businesses will not survive without the 82nd Access. Given the various other issues along 82nd Avenue, we cannot imagine that TriMet wants another shopping center to go dark, and we assume that TriMet has no interest in seeing these local businesses fail. If these businesses need to close or move due to loss of the 82nd Access, then Peterson will also suffer significant financial hardship, and it may be left with a valueless property.

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SOKOL  LARKIN

TriMet
October 1, 2025
Page 3

The 82nd Access is the primary access that almost all vehicles use for access to the Peterson Property (for both ingress and egress). While the Peterson Property does have another small driveway on Foster, the Foster driveway (the “Foster Driveway”) is not adequate to serve the Property.

First, please note that the Foster Driveway can only be used by people traveling east on Foster. That entrance cannot be accessed from either 82nd or westbound traffic on Foster. Even for those traveling east on Foster, entrance onto the Peterson Property through the Foster driveway is often restricted by buses who stop immediately prior to the Foster driveway. See the following image.



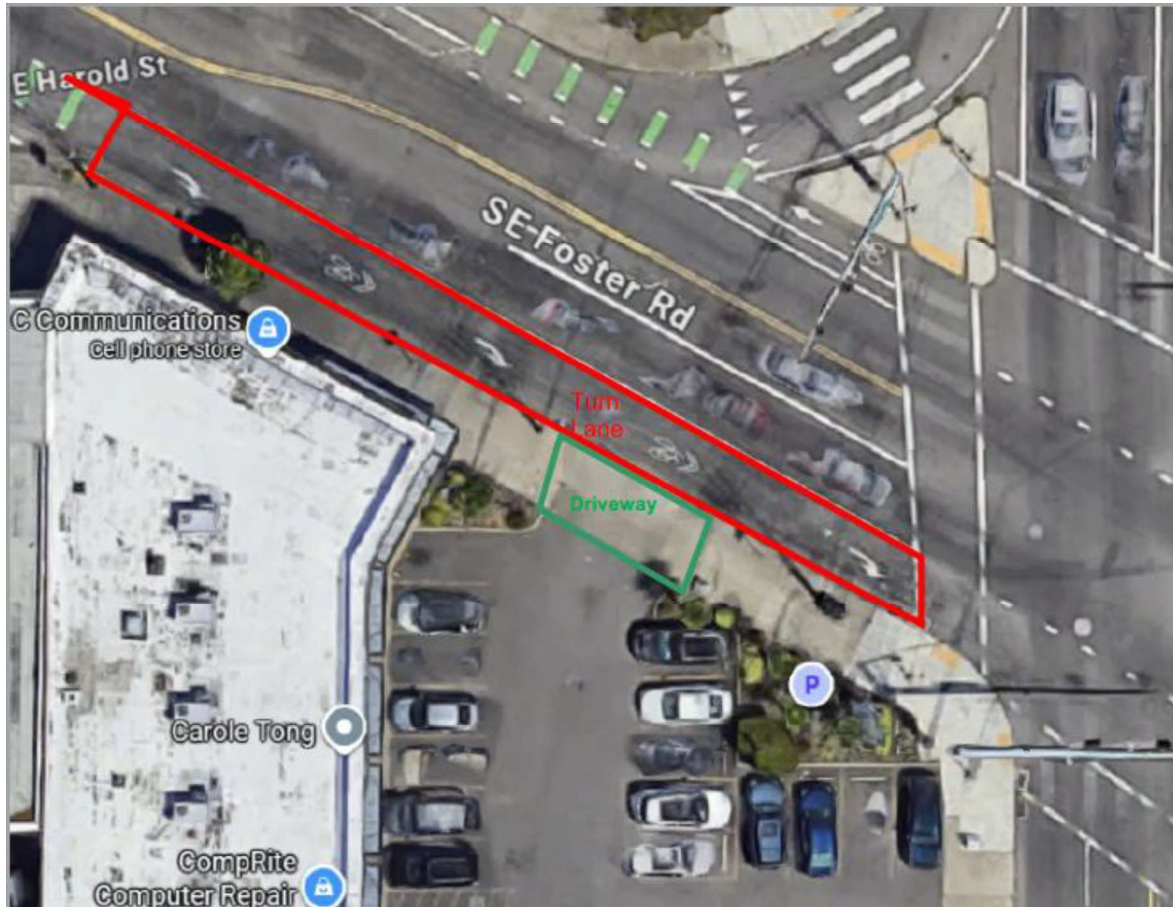
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SOKOL  LARKIN

TriMet
 October 1, 2025
 Page 4

Not only is it extremely difficult for people to enter the Peterson Property on Foster due to the buses, but it is also virtually impossible for persons to exit through the Foster Driveway because the right-hand turn lane from Foster to 82nd is often backed up far beyond the driveway, and people waiting to turn from that lane often do not let persons exit into traffic. See below.



While the Foster Driveway has these significant challenges, the 82nd Access is easy for people to use for ingress (from three different directions) and for egress onto 82nd Avenue. We say “three different directions” because the 82nd Access can be easily accessed by southbound traffic on 82nd, and because traffic on Foster (traveling in either direction) can easily turn onto 82nd for that access point.

SOKOL  LARKIN

TriMet
October 1, 2025
Page 5

Moreover, the 82nd Access is critical for Peterson and its tenants because (even if the Foster Driveway were substantially useful for ingress and egress of cars, which it is not), a single access would hinder deliveries to tenants, where there is not enough room for delivery trucks to turn around in the parking lot. Having the ability to enter one way and exit another is critical to facilitate deliveries to the tenants.

We have numerous other concerns related to the current concept design, including safety concerns, which we are not going to fully develop here.¹

In short, as noted above, the proposed taking of the 82nd Access that is shown on TriMet's current concept drawing is something that Peterson cannot accept.

While Peterson is willing to consider all paths forward, including without limitation, claims in circuit court under Oregon's condemnation and/or inverse condemnation laws, and/or claims under the Fifth Amendment to the U.S. Constitution in federal court, as well as media campaigns, Peterson has no interest in such disputes. We understand, in part from Ms. Oppenheim's September 29 email, that TriMet's design team is contemplating the concerns and issues raised by Peterson, and that TriMet may be willing to revisit the concept design that is still in development. We ask that the design team consider the issues raised in this letter, and we ask that TriMet promptly confirm for us that it is re-evaluating its current concept design. Ultimately, we request confirmation that TriMet will move the Proposed Station and that it will *not* take the 82nd Access from the Peterson Property. Because Peterson has no interest in a potential action that seeks a restraining order and injunction, we would greatly appreciate a prompt response that confirms this revised plan.

Please note that, as Peterson continues to investigate this matter, Peterson reserves all rights and arguments of every nature.

¹ It is also worth noting that Peterson and its neighbors have significant concerns about the current concept design that reduces traffic on 82nd Avenue by removing two of four lanes for buses. This issue will be addressed separately, because we do not want to detract here from the critical issue of the 82nd Access to the Peterson Property, but our client does urge TriMet to reconsider the closure of two public lanes on 82nd.



TriMet
October 1, 2025
Page 6

We look forward to hearing back from you very soon.

Very truly yours,

SOKOL, LARKIN, WAGNER & STORTI LLC

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cc (via email): Crystal Loggins (loggincr@trimet.org)
Client

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