

GENERAL PROCEDURE FOR CREATING LOCAL IMPROVEMENT  
DISTRICTS (LID) AND FOR MAKING PUBLIC  
IMPROVEMENTS FINANCED BY SPECIAL ASSESSMENTS

I. LID is initiated by:

- A. Petition from 60 percent or more of property owners within a proposed LID representing 60 percent or more of the real property, or
- B. Upon Resolution of Board.

II. Report on proposed improvement by the county department or employee designated by Board is required. The report will include the following:

- A. Map or plat showing the general nature, location or extent of the proposed improvement and land included within the LID,
- B. Preliminary plans, specifications and estimates of the work to be done,
- C. An estimate of the probable cost including legal, administrative and engineering costs,
- D. A recommendation as to the method of assessment to be used, and
- E. The description and assessed value of each parcel of land to be specially benefited by the improvement with the names of the owners and estimated assessment against each parcel.

III. Report filed with Board and County Clerk:

- A. If Board modifies, or approves the report, Board shall issue an order which:
  - 1. Declares an intent to create a LID,
  - 2. Provides the manner and method of carrying out the improvement,
  - 3. Sets a public hearing for not less than 20 days from the date of the order, and
  - 4. Directs that notice be given on the proposed improvement and public hearing.

- B. Notice will be given not less than 10 nor more than 20 days prior to the hearing by:
1. Mailing notice to property owners within the LID and either by
  2. Posting notice at the courthouse and within the proposed LID, or
  3. Publishing notice in a newspaper of general circulation.
- C. The notice will include:
1. A general description of the public improvement and the local improvement district,
  2. A statement that the report can be examined at the County Clerk's office,
  3. The date, time and place of the public hearing,
  4. A statement that written objections and oral testimony will be considered at the hearing, and
  5. A statement that if written objections are received by more than 1/2 of the property owners representing more than 1/2 by area of the specially benefited property, the improvement will be suspended for not less than 6 months.

#### IV. Hearing:

- A. If written remonstrances are received by more than 1/2 of the property owners representing more than 1/2 of the area of the benefited property, the improvement will be suspended for a minimum of six months or abandoned.
- B. If suspension is not required, Board will hear testimony and consider objections:
1. Board will authorize the improvement at the end of the hearing or within sixty days of the hearing by issuing an order.
  2. If no order is issued within sixty days, the improvement is abandoned.

V. The Order will:

- A. Create the LID and authorize the improvement,
- B. Direct the manner and method of constructing, extending or enlarging the improvement, and
- C. Specify the manner and method of determining the assessment.

VI. Assessment:

- A. Board determines if property benefited will bear all or a portion of the cost.
- B. Assessor determines the assessment for each parcel and files it with Board and Clerk.
- C. Board determines if the assessment is:
  1. Collected with ad valorem taxes, or
  2. Charged immediately against the property.
- D. Notice of the assessment will be mailed to owners of the property and will include:
  1. Name of owner,
  2. Description of property assessed,
  3. Total project costs,
  4. Assessment against owner's property,
  5. Date by which written objections are required to be filed with Board,
  6. Hearing date, and
  7. Statement that an assessment, as approved by Board, will be charged immediately against the property or collected with the ad valorem taxes, whichever is applicable.
- E. At the Hearing, Board will:
  1. Consider all objections timely filed,
  2. Adopt the final assessment by order, and

3. Direct the County Assessor to notify each property owner by registered mail of:
  - a) Date of order levying the final assessment,
  - b) Amount of final assessment,
  - c) Description of the improvement and the property assessed,
  - d) If Board has so ordered and if the assessment is \$25.00 or more, application for payment in installments under the Bancroft Bonding Act may be made within 10 days from the date of notice,
  - e) An explanation of the procedure for applying for installment payments, and
  - f) The date the assessment is due and that if it is unpaid it will accrue interest and subject the property to foreclosure.

VII. Lien record, interest and foreclosure:

- A. An assessment is entered in the lien docket and becomes a lien on the property.
- B. Interest accrues on the assessment from due date.
- C. Delinquent assessments may be foreclosed through a writ of execution and in a manner provided by statute.

VIII. Errors in assessment calculation:

- A. Property owner must bring the error to the attention of the Assessor, and
- B. Assessor determines if error exists and if so corrects the error.

IX. Deficit assessment:

- A. If the improvement costs more than it was assessed for, Board may declare a deficit and set a time for a hearing.
- B. Notice to affected property owners will be mailed at least 10 days prior to the hearing.
- C. After the hearing, Board may, by order, make a just and equitable deficit assessment.

D. Notice of the final deficit assessment order will be sent to owners by registered mail and collected in a consistent manner as the original assessment.

X. Rebates:

A. If the improvement costs less than assessed for, Board will declare a rebate by order.

B. Credit will be applied to the lien docket if the assessment is unpaid, and

C. If assessment is paid, the person who paid is entitled to a rebate for the overpayment.

XI. Remedies:

A. Writ of Review pursuant to ORS 34.010 through 34.100, and

B. As provided in section 12 of the Ordinance.