

GENERAL PROCEDURE FOR MAKING
IMPROVEMENTS ON STREETS AND ROADS
IN UNINCORPORATED AREAS WHICH ARE
FINANCED BY SPECIAL ASSESSMENT

I. Improvement is initiated by:

- A. Petition from sixty percent or more of owners of the land representing not less than sixty percent of the land abutting on the proposed improvement, which states where the improvement is to be made and describes the nature of the improvement, or
- B. Upon resolution of the Board which states where the improvement is to be made and describes the nature of the improvement.

II. Report on the proposed improvement by the Roadmaster is required. The report will include the following:

- A. Map or platt showing the general nature, location or extent of the proposed improvement and land included in the proposed improvement;
- B. Preliminary plans, specifications, estimates of the work to be done, and the feasibility of the improvement;
- C. Estimate of the probable cost of the improvement, including any legal, administrative and engineering costs;
- D. A recommendation as to the method of assessment to be used to arrive at a fair apportionment;
- E. The description and assessed value of each lot, parcel of land to be specially benefited by the improvement with the names of the owners and the estimated assessment to the levied against each parcel; and
- F. Where the improvement petitioned for includes the construction and installation of lateral sewers, street mains or similar facilities, a separate statement of the estimated cost of the construction and installation of lateral sewers, street mains or similar facilities.

III. Board action on report:

- A. If the Roadmaster report is favorable, Board shall mail written notice to the owner of each parcel of land to be assessed for the proposed improvement.
- B. The notice to the owner shall contain the following matters:
 - 1. A general description of the proposed improvement;
 - 2. A statement that the report by the Roadmaster was favorable toward the improvement, is on file with the Clerk, and is subject to public examination;
 - 3. The estimated cost of the improvement and the estimated amount of the assessment against the owner's land; and
 - 4. A statement that written objections, if any, to the improvement must be filed with the Board within twenty days from the date the notice was mailed.

IV. Order:

- A. If written objections are received from more than fifty percent of the property owners representing more than fifty percent of the total amount of the assessment, the proposed improvement shall be declared abandoned by order of the Board. No new petition shall be filed or resolution adopted for the improvement within one year after the date of the order.
- B. If the proper number of written objections are not received, the Board may by order, direct that the improvement be made. The order shall contain the following:
 - 1. The manner and method of making the improvement;
 - 2. The manner and method of determining the assessment;
 - 3. The description of the land to be improved;
 - 4. A description of the land to be assessed; and
 - 5. A direction that the improvement be made.

- C. The order shall be filed with the County Clerk and indexed in the County Lien Docket.
- D. If the improvement is not commenced within two years after the order is recorded, the Board may, by a new order, vacate the former order for the proposed improvement. The County Clerk shall record and index the new order in the County Lien Docket.

V. Assessment procedure

- A. After the improvement has been completed, the Roadmaster shall compile the total cost of the improvement and may include up to fifteen percent of the total cost for engineering and administration.
- B. Where the improvement includes the construction and installation of lateral sewers, street mains or similar facilities, the Roadmaster shall separately compile the total cost of these improvements.
- C. Payment of the cost of the improvement shall be made from the General Road Funds or from any fund available for the construction of improvement of county roads except that payment of the cost of the construction of lateral sewers and street mains or similar facilities shall be made from any funds available to the county for such improvement.
- D. Each landowner shall be assessed a portion of the cost of the improvement corresponding to the relative benefit to his land from the improvement.
- E. All of the cost of improvements within intersections may be born by the county.
- F. An existing driveway shall be reconstructed to the property line to conform with the new grade. Additional driveways or other road connections may be constructed simultaneously with the improvement when a written request is filed with the Board prior to the acceptance of bids by the affected abutting landowner. The cost of the driveway and all requested work shall be charged to the abutting owner and added to the assessment against his land.
- G. The Roadmaster shall ascertain the amount of the assessment to the respective property according to the method set forth in the order and shall file it with the Board and the County Clerk.

- H. The Board shall schedule a hearing for objections not less than ten days after the filing of the report.
- I. Not less than five days prior to the date of the hearing, the Board shall direct that notice be mailed to the owners of the property proposed to be assessed which contains the following information:
1. Name of the owner;
 2. Description of the property assessed;
 3. Total project cost assessed against benefited property in the amount of proposed assessment against the described property;
 4. A statement of the date, place and time of the hearing and the written or oral objections to the proposed assessment which states the grounds for objections may be presented at the hearing.
 5. A statement that the proposed assessment or as it may be modified by the Board will be levied after the hearing.
- J. At the hearing, Board shall consider the objections filed in writing and presented orally, then may adopt, correct or revise the assessment based on the evidence presented.
- K. Board shall certify a list and description of the ownership stating the amount of assessment against each individual parcel of land and shall record the order with the County Clerk.
- L. All payments are due in full thirty days after the assessment is certified unless proper application for installment payment has been made pursuant to the Bancroft Bonding Act.
- M. The Board shall notify each property owner by registered mail of the following information:
1. The date of the order certifying the assessment;
 2. The amount of the specific assessment on the owner's property;
 3. A description of property assessed;

4. If the assessment is for Twenty-Five Dollars or more, application may be filed within ten days of the date of the notice to pay all or any portion not less than Twenty-Five Dollars in installments according to the Bancroft Bonding Act. (An explanation of procedures for installment payments shall be included.); and
5. The entire amount of the assessment, except any part for which application to pay in installments has been made, is due in full thirty days after the assessment is certified and if unpaid, will accrue interest and subject the property to foreclosure.

VI. Lien record, interest and foreclosure:

- A. The County Clerk shall enter in the County Lien Docket the following information:
 1. A statement of the amounts assessed upon each particular lot, parcel of land or portion thereof;
 2. A description of the improvement;
 3. Name of the owners;
 4. The date of the order certifying the assessment; and
 5. The date upon which payment or application for installment payment is due.
- B. Upon entry in the Lien Docket, the amount entered, together with interest as it accrues, shall become a lien and charge on the respective property.
- C. Interest as established by the Board shall accrue on all unpaid assessments charged immediately against property from the date payment in full is due or if installment payments are to be made, from the date each installment payment is due.
- D. Delinquent assessments may be foreclosed through a writ of execution and in a manner provided by statute.

VII. 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.

VIII. Remedies

- A. Writ of review pursuant to ORS 34.010 through 34.100; and
- B. As provided in section 7 of this ordinance.