

CHAPTER 143
SECONDARY ROAD ASSESSMENT DISTRICTS
S.F. 560

AN ACT relating to the establishment of and improvements within a secondary road assessment district.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 311.1, Code 1985, is amended to read as follows:

311.1 POWER TO ESTABLISH.

In order to provide for the ~~graveling, oiling, or other suitable surfacing improvements such as grading, draining, bridging, aggregate surfacing, paving, or resurfacing~~ of secondary roads, the board of supervisors shall have power ~~may~~, on petition, to establish secondary road assessment districts.

Sec. 2. Section 311.3, Code 1985, is amended to read as follows:

311.3 AMOUNT OF ASSESSMENT.

Special assessments in the aggregate amount of not less than ~~twenty-five~~ fifty percent of the total estimated cost of ~~surfacing any improvement of a~~ road included in a secondary road assessment district project shall be apportioned and levied on the lands included in ~~said~~ the secondary road assessment district.

Sec. 3. Section 311.4, Code 1985, is amended to read as follows:

311.4 COUNTY LINE ROAD.

~~Whenever~~ When it is desired to ~~surface improve~~ a secondary road on a county line, as a secondary road assessment district project, the board of supervisors of any county ~~concerned~~ may establish an assessment district in its county, and levy and collect special assessments for the payment of that portion of the estimated cost of ~~such the~~ project assessable against lands in that county. Each county shall pay its share of the cost of ~~said~~ the project as provided in this chapter, in the same manner as though the project were located wholly within that county.

Sec. 4. Section 311.5, Code 1985, is amended to read as follows:

311.5 PROJECT IN CITY.

~~Any~~ A road or street which is a continuation of a secondary road within ~~any~~ a city and which the county board desires to improve by ~~graveling, oiling, or other suitable surfacing~~, may by resolution of the county board and concurrence by the council of the city be improved as a secondary road assessment district project or part ~~thereof of a project~~ as herein provided in this chapter. The lands within ~~such the~~ city abutting on or adjacent to ~~such the~~ street or road may be included within ~~such the~~ secondary road assessment district and assessed ~~on account of such for the~~ improvement upon the same basis and in the same manner as though ~~such the~~ lands were located outside of a city.

Sec. 5. Section 311.6, Code 1985, is amended to read as follows:

311.6 PETITION — INFORMATION REQUIRED.

The petition for a secondary road assessment district proposing to establish ~~such the~~ district shall intelligibly describe the road or roads proposed to be improved, the nature of the proposed improvement, the percentage of the estimated cost of the ~~surfacing of said improv-~~ing the road proposed to be assessed against the property in the ~~said~~ district and the lands proposed to be included in ~~such the~~ district.

~~Such~~ The petition shall be signed by ~~thirty-five~~ fifty percent of the owners of the lands within ~~such the~~ proposed district, or by ~~thirty-five~~ fifty percent of the owners of the land within ~~such the~~ proposed district who reside within ~~said the~~ county.

Sec. 6. Section 311.7, Code 1985, is amended to read as follows:

311.7 IMPROVEMENT BY PRIVATE FUNDS.

The owner or a group of owners of not less than seventy-five percent of the lands adjacent to, or abutting upon any secondary road may, on or before October 1 of any year, petition the board of supervisors of their county for the ~~improving by graveling or other suitable surfac-~~ing, of ~~such~~ improvement of the road, and for the assessment of not less than fifty percent, (or ~~such~~ a greater portion as may be provided in ~~said the~~ petition), of the cost of ~~such~~ improving, by ~~graveling or other suitable surfacing the~~ improvement, to the lands adjacent to, or abutting upon ~~such the~~ road. When the petition has been filed, the board of supervisors shall review the project proposed by the petition and may accept or reject the proposed project. If the board of supervisors accepts the petition, the board shall include ~~such the~~ project in the secondary road construction program of ~~said the~~ county and establish a priority for the completion of ~~such the~~ project.

The board of supervisors shall proceed with the construction and completion of ~~said the~~ project in accordance with its assigned priority and under the same procedure as is prescribed generally for the improvement of secondary roads by assessment, and shall, ~~as the law may provide,~~ establish a special secondary road assessment district and assess against the lands included ~~therein in the~~ district not less than fifty percent, (or ~~such~~ a greater portion as may be provided in ~~said the~~ petition), of the engineer's estimated cost of the ~~surfacing~~ improvements of the road ~~or roads~~ included in ~~said the~~ project against all the lands adjacent to or abutting upon the ~~said road or roads~~.

~~Provided, that should~~ However, if the ~~owner or~~ owners of all the lands included in any special secondary road assessment district under this section, subscribe and deposit with the county treasurer an amount not less than fifty percent, (or ~~such a~~ greater portion as may be provided in ~~said the~~ petition), of the engineer's estimated cost of the ~~surfacing~~ improvement of the road ~~or roads~~ included in ~~said the~~ project, the board of supervisors shall not establish ~~such the~~ special assessment district ~~as herein provided,~~ but shall accept the ~~said~~ donations in lieu of an assessment, and shall otherwise proceed to the improvement of ~~said the~~ road ~~or roads~~ as herein provided.

~~Provided further, that the~~ The total expenditure of secondary road funds of the county in any year for or on account of special secondary road assessment district projects on local secondary roads under this section shall not exceed the total secondary road funds legally expendable for construction on local secondary roads in ~~said the~~ county in ~~said the~~ year, and the expenditure of secondary road funds of the county, in any township in any three-year period, for or on account of special secondary road assessment district projects on local secondary roads under this section, shall not exceed ~~said township's~~ pro rata share, on the area basis, of the total secondary road funds legally expendable for construction on local secondary roads in ~~said county in said three-year period,~~ unless there be a township or townships from which there are no petitions filed during the first two years of ~~said three-year period~~.

If the engineer's estimated cost of the grading, bridges, culverts, and draining of the road proposed to be included in any special assessment district project under this section, exceeds an average of seven thousand dollars per mile, the board of supervisors of said county may appeal to the state transportation commission as to whether the county shall proceed with the construction of said project. The state transportation commission shall hold a hearing on said matter, at a time and place of which the petitioners and the county board shall be duly notified, and shall have an opportunity to appear and be heard. After such hearing the state transportation commission shall determine whether the county shall proceed with said project, which determination shall be final.

Upon the completion of such ~~the road or roads~~, and the satisfaction of all claims in relation thereto ~~to the road~~, any balance then remaining of the funds provided by the sponsors shall be returned to them according to their respective interests, providing all guarantees made by such ~~the~~ sponsors have been fulfilled.

Any road ~~or roads~~ so improved by ~~graveling or other suitable surfacing~~ under this section shall be maintained by the county pursuant to chapter 306.

Sec. 7. Section 311.8, subsections 1, 3, and 4, Code 1985, are amended to read as follows:

1. An estimate of the cost of the surfacing improvement proposed on the road ~~or roads~~ included in such ~~the~~ proposed district.

3. An approximately equitable apportionment of not less than ~~twenty-five~~ fifty percent of the estimated cost of said ~~the~~ improvement among the tracts and parcels of real estate included in such ~~the~~ proposed district.

4. A statement whether all of the secondary roads to be surfaced improved in said ~~the~~ proposed secondary road assessment district project have been built to permanent grade and properly drained.

Sec. 8. Section 311.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of supervisors shall fix a time for hearing on the proposal for the establishment of the secondary road assessment district and on the apportionment of not less than ~~twenty-five~~ fifty percent of the estimated cost of the proposed improvement, and shall cause the county engineer to publish notice of the hearing. The notice shall state:

Sec. 9. Section 311.29, Code 1985, is amended to read as follows:

311.29 SALE OF CERTIFICATES.

Upon the signing of each of the certificates by the chairperson of the board, the certificates shall be delivered to the county treasurer, who shall countersign them and who shall be responsible for them on the treasurer's bond. The treasurer may apply the certificates in payment of warrants duly authorized and issued for surfacing improving the roads within the district, or the treasurer may sell the certificates for the best attainable price and for not less than par, plus accrued interest. The certificates shall be retired in the order of their numbering.

Approved May 16, 1985