

LOCAL GOVERNMENT: C. Miller, Chair: Waldstein and Hall

Senate File 310

WAYS AND MEANS: Gronstal, Chair: Rodgers and Hester

SENATE FILE 310

BY RODGERS

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the establishment of and improvements
2 within a secondary road assessment district.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 310

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

3 311.1 POWER TO ESTABLISH.

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

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

12 311.3 AMOUNT OF ASSESSMENT.

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

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

21 311.4 COUNTY LINE ROAD.

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

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

34 311.5 PROJECT IN CITY.

35 Any A road or street which is a continuation of a secondary

1 road within any a city and which the county board desires to
2 improve ~~by-graveling, -oiling, or other suitable surfacing~~, may
3 by resolution of the county board and concurrence by the
4 council of the city be improved as a secondary road assessment
5 district project or part thereof of a project as herein
6 provided in this chapter. The lands within such the city
7 abutting on or adjacent to such the street or road may be
8 included within such the secondary road assessment district
9 and assessed ~~on-account-of-such~~ for the improvement upon the
10 same basis and in the same manner as though such the lands
11 were located outside of a city.

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

14 311.6 PETITION -- INFORMATION REQUIRED.

15 The petition for a secondary road assessment district
16 proposing to establish such the district shall intelligibly
17 describe the road or roads proposed to be improved, the nature
18 of the proposed improvement, the percentage of the estimated
19 cost of ~~the surfacing of said~~ improving the road proposed to
20 be assessed against the property in the said district and the
21 lands proposed to be included in such the district.

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

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

28 311.7 IMPROVEMENT BY PRIVATE FUNDS.

29 The owner or a group of owners of not less than seventy-
30 five percent of the lands adjacent to, or abutting upon any
31 secondary road may, on or before October 1 of any year,
32 petition the board of supervisors of their county for the
33 ~~improving-by-graveling-or-other-suitable-surfacing, of-such~~
34 improvement of the road, and for the assessment of not less
35 than fifty percent, for such a greater portion as may-be

1 provided in said the petition}, of the cost of ~~such-improving,~~
2 ~~by-graveling-or-other-suitable-surfacing~~ the improvement, to
3 the lands adjacent to, or abutting upon such the road. When
4 the petition has been filed, the board of supervisors shall
5 review the project proposed by the petition and may accept or
6 reject the proposed project. If the board of supervisors
7 accepts the petition, the board shall include ~~such the project~~
8 in the secondary road construction program of said the county
9 and establish a priority for the completion of ~~such the~~
10 project.

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

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

35 ~~Provided-further,-that-the~~ The total expenditure of

1 secondary road funds of the county in any year for or on
2 account of special secondary road assessment district projects
3 on local secondary roads under this section shall not exceed
4 the total secondary road funds legally expendable for
5 construction on local secondary roads in said the county in
6 said the year, ~~and the expenditure of secondary road funds of~~
7 ~~the county, in any township in any three-year period, for or~~
8 ~~on account of special secondary road assessment district~~
9 ~~projects on local secondary roads under this section, shall~~
10 ~~not exceed said township's pro-rata share, on the area basis,~~
11 ~~of the total secondary road funds legally expendable for~~
12 ~~construction on local secondary roads in said county in said~~
13 ~~three-year period, unless there be a township or townships~~
14 ~~from which there are no petitions filed during the first two~~
15 ~~years of said three-year period.~~

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

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

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

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

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

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

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

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

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

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

27 311.29 SALE OF CERTIFICATES.

28 Upon the signing of each of the certificates by the
29 chairperson of the board, the certificates shall be delivered
30 to the county treasurer, who shall countersign them and who
31 shall be responsible for them on the treasurer's bond. The
32 treasurer may apply the certificates in payment of warrants
33 duly authorized and issued for surfacing improving the roads
34 within the district, or the treasurer may sell the
35 certificates for the best attainable price and for not less

1 than par, plus accrued interest. The certificates shall be
2 retired in the order of their numbering.

3 EXPLANATION

4 The bill expands the use of secondary road assessment
5 districts to include road improvements such as grading,
6 drainage, bridging, paving, and resurfacing. Current law
7 allows road resurfacing improvements. The bill also raises
8 the minimum amount to be paid by the property owners from
9 twenty-five percent to fifty percent. The bill also deletes
10 the procedure for an appeal by the board of supervisors to the
11 state department of transportation to determine if the
12 assessment district should be established because the board of
13 supervisors have the right to accept or reject the petition
14 for a district.

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